APPENDIX G:
SCOPING COMMENTS

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List of Commentors

Melanie Crim
William P. VanderWyden
Stan Carlin
Miami Dade County, Department of Environmental Resource Management
Sierra Club, Miami Group
Catherine B.
US Department of Interior, National Park Service
South Florida Regional Planning Council
Florida Fish and Wildlife Conservation Commission, March 4, 2008
Florida Fish and Wildlife Conservation Commission, June 13, 2000
Florida Fish and Wildlife Conservation Commission, January 16, 2002
Florida Fish and Wildlife Conservation Commission, February 26, 2001
Florida Fish and Wildlife Conservation Commission, August 11, 2005
Florida Fish and Wildlife Conservation Commission, March 17, 2004
Florida Fish and Wildlife Conservation Commission, June 24, 2003
Sydney T, Bacchus, Ph, D, Hydroecologist March 5, 2008
Sydney T, Bacchus, Ph, D, Hydroecologist March 21, 2004
Radio One via Todd Fracassi, Pepper Hamilton LLP, March 6, 2008
Radio One via Todd Fracassi, Pepper Hamilton LLP, July 20, 2006
Radio One via Thomas P. Wilczak, Pepper Hamilton LLP, February 4, 2002
Radio One via Thomas P. Wilczak, Pepper Hamilton LLP, October 11, 2005
Florida Department of Transportation
Florida Department of Environmental Protection
Florida State Clearing House
Florida Department of Environmental Protection, John Outland, Inger Hansen, Annet Forkink, March 5, 2008
Modified Water Deliveries, Tamiami Trail Water Quality Certification, Pre-Application Meeting, 25 January 2008 10:00
Florida Department of Environmental Protection, John Outland, Inger Hansen, April 17, 2007
Florida Department of Environmental Protection, Inger Hansen, Temperince Morgan, and John Outland, December 29, 2005
Florida Department of Environmental Protection, Inger Hansen, Temperince Morgan, and John Outland, September 19, 2005
Tim Towles

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Summary of Scoping Comments	
Commenter	**Comment**
FEDERAL	
US Department of Interior, National Park Service	ENP concurs with the Tentatively Selected Plan (TSP). We offer comments, both general and specific (see attached), that focus on (1) LRR content; (2) the TSP; and (3) the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). Some portions of the text would benefit from a close collaborative effort between ENP and USACE staff to improve the accuracy and technical quality of the document and to assure that the document adequately covers actions to be taken by the park in association with your actions on the Tamiami Trail component of the MWD.
STATE	
Florida Fish and Wildlife Conservation Commission	We note that the current planning process is leaning strongly towards an alternative plan that would improve conveyance near the eastern end of the Tamiami Trail with the addition of a one-mile bridge there, but no conveyance improvements are planned elsewhere along the 1O.7-mile stretch of roadway. We would like the COE to give serious consideration to improving conveyance along other portions of the Trail as well. Based on discussions with South Florida Water Management District staff we believe that the strategic placement of box culverts at historic sloughs and/or aligned with the S355 and other existing or planned water conveyance structures in the L-29 Levee in conjunction with downstream spreader swales, would greatly augment hydraulic and ecological connectivity. Although some scientific uncertainties remain, we are encouraged by the COE's most recent modeling results, which predict that the addition of spreader swales below each set of Tamiami Trail culverts would result in an increase in the conveyance capacity of these culverts by approximately 12 percent at an L-29 canal stage of 8.0 feet NGVD. Although we recognize the current funding constraints for not raising the road to a height capable of withstanding an L-29 canal stage design of at least 8.5 feet NGVD, we do encourage further examination of that option in the future, as the Comprehensive Everglades Restoration Program progresses. We fully support the ecological benefits expected from this project, and will continue to work closely with the COE through the project's implementation. We furthermore ask that the COE address our concerns and recommendations contained in this letter (see App. G) as well as prior ones that have been conveyed to them over the course of the last eight years to ensure that any unintentional adverse impacts to the area's natural resources. Particularly to state-listed wildlife species, are either averted or minimized
Florida Department of Transportation	•The proposed document should state that the Corps will design, permit and construct all modifications to Tamiami Trail necessary to accommodate the selected water elevation in the L29 canal. • The NEPA document should cover both the impacts of the proposed bridge and the necessary work on the roadway to accommodate the selected water elevation in the L29 canal.

	• Since there will likely be one-way traffic during construction, traffic impacts should be addressed. • Since the Tamiami Trail is a National Register of Historic Places eligible resource, impacts to the roadway in that capacity should be addressed.
Florida Department of Environmental Protection	The Florida Department of Environmental Protection (DEP) supported the U.S. Army Corps of Engineers (USACE) Tentatively Selected Plan (Alternative 14) presented in the 2005 General Reevaluation Report (GRR) and has also been supportive in moving forward with maintenance/flow way equalization swales as part of the Tamiami Trail project. DEP staff suggests that the USACE consider including the pilot swale project within the TTM LRR, rather than evaluating the project under a separate NEPA document. Any differences between the eastern bridge that may be proposed in the LRR and the eastern bridge in Alternative 14 from the 2005 GRR should be clearly outlined in the draft Environmental Assessment. Staff also requests that the following items be included in both the draft Environmental Assessment and permit application: * A summary of project benefits versus impacts. * Discussion of potential impacts to water quality and water management during and following construction. * Discussion of any proposed water quality or ecological monitoring. * Discussion of any potential impacts to fish and wildlife resources in the water conservation areas or Everglades National Park, particularly listed species. Based on the information contained in the scoping notice and the enclosed state agency comments, the state has determined that, at this stage, the proposed federal action is consistent with the Florida Coastal Management Program (FCMP).
LOCAL	
Miami Dade County, Department of Environmental Resource Management	DERM recognizes that improvements to the Tamiami Trail are part of a critical step in achieving more natural flow of water from the Water Conservation Areas (WCA) to Northeast Shark River Slough and Everglades National Park (ENP). However, increased stages in eastern portions of the WCA and ENP and in certain canals may affect seepage and flood protection level of service to the east.
South Florida Regional Planning Council	The project should be consistent with the goals and policies of Miami-Dade County's comprehensive plan and their corresponding land development regulations. Staff recommends that, if this permit is granted, 1) impacts to the natural systems be minimized to the greatest extent feasible and 2) the permit grantor determine the extent of sensitive wildlife and vegetative communities in the vicinity of the project and require protection and or mitigation of disturbed habitat.
ORGANIZATIONS	
Sierra Club, Miami Group	Proposals that distribute the water more to the west seem to be the most workable. Getting large amounts of water to Shark River Slough solves a number of difficult issues simultaneously…Small increases in conveyance through the project area, by cleaning the culverts, can allow for small increases of water moved from WCA-3A to WCA-

	3B…WCA-3A can get relief from high water without flooding WCA-3B by adopting a portion of the "Blue Shanty Plan." Build a conveyance bridge just west of the Tamiami Trail project area.
Radio One via Pepper Hamilton LLP	Based on past correspondence with the Corps, it is our understanding that the Tamiami Trail Modification projects within the Everglades National Park may have an impact on the Radio One property, particularly due to flooding impacts. This could result in a significant impact to Radio One and we look forward to having further discussions with the Corps regarding any potential property impact. I have attached for your convenience Radio One's prior comments that it submitted on July 20, 2006.
GENERAL PUBLIC	
Stan Carlin	The canals were put in 60 years ago and there has been no maintenance. Clean out and maintain the culverts immediately.
Catherine B.	Whatever can be done now to improve the water supply, do it. Please clean the culverts, build the one mile bridge, then add the 3 mile bridge.
Sydney T, Bacchus, Ph, D, Hydroecologist	On March 21, 2004, I provided comments on the proposed elevation of the Tamiami Trail purportedly promoted as a form of Everglades restoration. A copy of those comments is attached and re-submitted…The proposed elevation of the Tamiami Trail is more problematic now than when my original comment letter was submitted, based on the adverse impacts of mining documented during the Sierra Club' s suit against your agency and the US Fish and Wildlife Service regarding permit issued to the 10 mining companies in Miami-Dade County, The report does not consider the direct, indirect and cumulative adverse impacts of the proposed project, any of which would result in more damage to, rather than restoration of, the Everglades.

From: Melanie Crim [melaniedances@hotmail.com]
Sent: Friday, November 02, 2007 10:12 PM
To: TTMComments SAJ
Cc: melaniedances@hotmail.com
Subject: Coopertown Airboat tours

To whom it may concern:

Hi!! How are you? I received this contact from Jesse Kennon, the Mayor of Coopertown Airboat tours. When I heard about his land and business being jeopardized by the road construction, I was immediately alarmed. Why? because he has done so much for me, my family, friends, colleagues--let alone the community and the education/preservation of the Everglades as well. Jesse Kennon always takes the time to tell the history of the Florida Everglades and educate the boat riders about the eco-system of the everglades, as well as be concerned about its preservation. It would be ludicrous for him to lose 'Coopertown' airboat rides. He and his family started the whole culture of 'the Airboat Tour' in the Florida Everglades; and that part of Florida History needs to be preserved by allowing him to keep 'Coopertown'. Humphrey Bogart in 'The African Queen' would not have won the Oscar for "Best Lead Male Actor" in the early 1950s, had that movie not been able to shoot in 'Coopertown's' airboat trails. Since then, lots of the Entertainment and Fashion worlds have used 'Coopertown' and that is how I came to know the very generous, caring, and genuine Jesse Kennon. I am an actress and model and met Jesse while working on a film that was shooting in Hollywood Beach, FL called 'Canvas' with Marcia Gay Harden and Joe Pantoliano -- Jesse Kennon has given so much to me, my family, and friends every time we have come to Coopertown for one of his unique, original, and never-to-be repeated, Florida Everglades 'airboat tours'. The Florida Everglades could not be what they are today without 'Coopertown'. Please consider the importance and sacredness of 'Coopertown.'
Thank you.
Kind Regards,
Melanie Crim

melaniedances@hotmail.com
917-304-3113

p.s. Please contact me further, if I can be of any more assistance.

Windows Live Hotmail and Microsoft Office Outlook – together at last. Get it now.
http://office.microsoft.com/en-us/outlook/HA102225181033.aspx?pid=CL100626971033

From: VanderWyden, William P. [wvander@law.miami.edu]
Sent: Wednesday, February 06, 2008 9:39 AM
To: webteam@ics.gov; ever_gmp@nps.gov; TTMComments SAJ
Subject: Coopertown--FL Everglades

To: the Secretary of the Interior

To: Everglades National Park

To: Department of the Army Corps of Engineers

It is my understanding that plans to widen Tamiami Trail (US 41) may call for the destruction of Coopertown, a Florida landmark in the Everglades for over 60 years. As a South Florida resident, I encourage you to find other alternatives. Our government should be in the business of protecting access to our environment for the benefit of the people, and traditions such as Coopertown should be encouraged so that all may enjoy the beauty of South Florida in its natural environment. Already, we have allowed enough cement to compromise our lands. Let us work to protect what we have.

William P. VanderWyden, Esq.

Associate Dean of Students

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P.O. Box 248087

Coral Gables, Florida 33124

Telephone: 305-284-4551

Facsimile: 305-284-1793

wvander@law.miami.edu

TO: Ms BARBARA GUTRON
c/o U.S. ARMY CORPS ENG
P.O. BOX 4970
JACKSONVILLE FL 32232-0019

Stan Carlin
P.O. BOX 517
MELBOURNE, FL 32902-0517
321-729-8387 • 305-559-4136

RE: Improving WATER FLOW to ENP

DATE: 2/8/08

PER LETTER MARCH 27, 2007 (copy enc) the CANALS WERE PUT IN OVER 60 yrs AGO AT the CULVERTS.

THERE HAS BEEN NO MAINTENANCE —

with PROPER MAINTENANCE WATER FLOW WOULD be RESTORED — & COST EFFECTIVE.

Regards,
S Carlin

endorsed copy 3-27-08
& your 1-28-08

Stan Carlin
P. O. Box 517
Melbourne Fl 32902-0517
321-729-8387 * 305-559-4136
Gator Park

March 26, 2007

U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Fl 32232-0019

Re: Modified Water Deliveries
Tamiami Trail – U.S. 41
Culvert and Canal Maintenance

Gentlemen:

In 1992 and 1993 White Construction repaved roadway and extended 8'to 10' south, and extended culverts one length south. White Construction said 80% or more of existing culverts were clogged with mud and trash. We asked if they were cleaning out the culverts so water could flow 100%. White Construction said "no" because it was not in their contract. There has also been no maintenance on the water distribution canals that run south of the culverts.

A clean out/maintenance contract should be issued now for all clogged culverts and canals so 100% of even water flow would be restored this year. This could be done rapidly and would be cost effective.

Sincerely,

Stan Carlin

CNTRO N

Department of Environmental Resources Management
Office of the Director
701 NW 1st Court, 4th Floor
Miami, Florida 33136-3912
T 305-372-6754 F 305-372-6759

miamidade.gov

MIAMI-DADE COUNTY

Carlos Alvarez, Mayor

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Agenda Coordination
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Building Code Compliance
Building
Business Development
Capital Improvements
Citizen's Independent Transportation Trust
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Community Action Agency
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Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Urban Revitalization Task Force
Vizcaya Museum and Gardens
Water and Sewer

February 15, 2008

Ms. Marie G. Burns, Acting Chief, Planning Division
Department of the Army
P.O. Box 4970
Jacksonville, FL 32232

Dear Ms. Burns:

This letter is a response to your requests for comments on the Draft Environmental Assessment (EA) that is to be prepared in connection with the Tamiami Trail Modifications Limited Reevaluation Report.

Miami-Dade County Department of Environmental Resources Management (DERM) staff serve on a variety of technical teams involved in the implementation of the Modified Water Delivery Project and Comprehensive Everglades Restoration. DERM recognizes that improvements to the Tamiami Trail are part of a critical step in achieving more natural flow of water from the Water Conservation Areas (WCA) to northeast Shark River Slough and Everglades National Park (ENP). Miami-Dade County expects that improved flow will not only benefit hydrology and the ecosystem in ENP, but will also help to relieve unnaturally high water levels in portions of the WCAs, benefit fish and wildlife species (including listed species) in marshes and downstream areas, and enhance potential and water quality for water deliveries for human water supply. However, increased stages in eastern portions of the WCA and ENP and in certain canals may affect seepage and flood protection level of service to the east. The EA should include evaluation of ecological and hydrological benefits, including effects on fish, birds, and other wildlife in WCA3a and WCA3b, as well as ENP. It should also evaluate water quality and quantity effects on the natural system and regional wellfields. The EA should evaluate flood protection, including operational criteria for S-357 and other seepage features under various canal stages and high water conditions.

DERM coordinates surface and groundwater monitoring programs in Miami-Dade County, and has extensive experience in stormwater management master planning and wellfield protection. We may have water quality data, or surface and groundwater modeling information that would be of assistance in the development of your EA. Please contact our office should you require additional assistance.

Sincerely,

Carlos Espinosa, P.E.
Director

c: George M. Burgess, County Manager
Henri Sori, Executive Assistant to the County Manager

Delivering Excellence Every Day

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FEB 2 0 2008

Mark Oncavage
Sierra Club, Miami Group
12200 SW 110th Avenue
Miami, Florida 33176

February 16, 2008

Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

attn. Planning Division
Environmental Branch
South Florida Section

Dear Marie Burns:

Admittedly, I am not familiar with all the legislation, statutes, memoranda, studies, promises, or court rulings related to the Tamiami Trail modifications. I don't think anyone has a good feeling about where this project has been or where it's going.

Tamiami Trail is an impediment to the flow of water. Water levels in Conservation Area 3A are too high and the tree islands are rotting and dying. At the same time, Everglades National Park has a water deficit of approximately 800,000 acre-feet. This deficit precipitates serious environmental damage to the Park's wetlands and to Florida Bay.

With the construction of the A-1 Reservoir, an additional problem for Tamiami Trail modifications is being created: the water has no place to go.

Large amounts of water need to move through Tamiami Trail, but many of the current proposals are illogical.

Questions

1. How can water be moved through the project area when WCA-3B is intentionally being starved of water?

2. How can WCA-3A get relief from too much water?

3. Where will the water from the A-1 Reservoir go?

4. How can urban and agricultural interests be protected?

Answers

Proposals that distribute the water more to the west seem to be the most workable. Getting large amounts of water to Shark River Slough solves a number of difficult issues simultaneously.

1. Small increases in conveyance through the project area, by cleaning the culverts, can allow for small increases of water moved from WCA-3A to WCA-3B. The proposed swales south of Tamiami Trail may not be needed if the water increases are small. The DECOMP PDT is currently working to study small breaches in the L-67 levees to start decompartmentalizing Water Conservation Areas 3A and 3B. By moving additional water through the project area, more tailwater will available for the C-111 projects to hydrate Taylor Slough and central Florida Bay. This new water, in deep South Dade, is desperately needed for Everglades Restoration.

2. WCA-3A can get relief from high water without flooding WCA-3B by adopting a portion of the "Blue Shanty Plan." Build a conveyance bridge just west of the Tamiami Trail project area. Also, the DECOMP PDT experimental breaches in the L-67 levees can provide some flooding relief for WCA-3A.

3. The Governing Board of the SFWMD has agreed that 80% of the A-1 Reservoir water will be used for Everglades Restoration. A-1 Reservoir water still needs to be cleansed to appropriate standards for restoration purposes. This water will go, eventually, through the proposed "Blue Shanty" conveyance bridge west of the project area. This bridge will relieve the A-1, relieve WCA-3A of flooding, partially rehydrate ENP, partially rehydrate western Florida Bay, and hopefully end the ModWaters conundrum.

4. Since the "Blue Shanty" bridge is significantly west of the urban and agricultural areas and the 8 & 1/2 Square Mile Area flood mitigation project is nearly complete, it is likely that additional flood control structures will not be needed. The C-111 projects can also help provide some flood control for the agricultural areas south of 8 & 1/2 SMA and provide additional water for Everglades Restoration purposes.

Mark Oncavage
Conservation Chair
Sierra Club, Miami Group

Feb 21, 2008.

Dear Marie Burns:

I am Catharina Bernabé, a Sierra Club outingsleader in Miami. At the last meeting I spoke with Mark Oncavage and he encouraged me to write to you as I love all things natural and beautiful.
He has some good suggestions. Whatever that can be done now to improve the water supply - (that is clean water, low in phosphorus -) do it!! Please, Corps of Engineers, do it. The cattails are encroaching, overtaking the river of grass! the Everglades are dying! too much water on one side, not enough on the other side
A one-mile bridge will help, start with that!
I am also a teacher of special needs students and they love the Everglades, every small thing about it, flowers, spiders, birds ...
So do my family and friends from Belgium

The Everglades belong to them to, to the world to future generations to come.
Please clean the culverts, build the one-mile bridge, then add the 3-mile bridge.
Do something! I become a citizen of USA in 2000, because I've become fond of this country, and want to vote, make a difference. That's why I'm writing to you. We need to show the world how America can clean up it's mess it made to Nature. I lived in Africa for 10 years (Congo - Rwanda) and what a mess it is now for it's parks and wildlife!!

Respectfully yours,
Catherina R Bernabé

Kcetje bernabé @ bellsouth.net.

PS Whatever Mark Oncavage suggests for steps to take to begin repairing ENP, I back up.

United States Department of the Interior
NATIONAL PARK SERVICE

Everglades and Dry Tortugas National Parks
40001 State Road 9336
Homestead, Florida 33034

In Reply Refer to:

L54

VIA ELECTRONIC MAIL
NO HARDCOPY TO FOLLOW

March 2, 2008

Colonel Paul L. Grosskruger
Commander
United States Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Grosskruger:

The purpose of this letter is to communicate to the Jacksonville District, Corps of Engineers (USACE) the comments of Everglades National Park (ENP) on the most recent draft of the Limited Reevaluation Report (LRR) for the Tamiami Trail component of the Modified Water Deliveries (MWD) Project. These comments are based on the documents provided by USACE staff on February 13, 2008, and represent a compilation of comments from multiple divisions and branches within the park, including the South Florida Natural Resources Center.

First, I wish to commend you and USACE staff for working with park staff in a highly professional and collaborative fashion to prepare the LRR in a timely manner and to conduct technical analyses of alternatives considered in the LRR. This was a challenging assignment with a tight schedule, and I know you share my pride in our staffs' accomplishments.

ENP concurs with the Tentatively Selected Plan (TSP). We offer comments, both general and specific (see attached), that focus on (1) LRR content; (2) the TSP; and (3) the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). Our general comments, coupled with the specific comments, are offered to improve the document and supporting analyses.

Some portions of the text would benefit from a close collaborative effort between ENP and USACE staff to improve the accuracy and technical quality of the document and to assure that the document adequately covers actions to be taken by the park in association with your actions on the Tamiami Trail component of the MWD. Please contact me to make arrangements for this joint effort.

Please contact Mr. Mark Wolff (904-232-1125) if you require specific information related to our comments.

We look forward to our continued collaboration in the implementation of this extremely important component of the MWD project.

Sincerely,

Dan B. Kimball
Superintendent

Attachment (General/Specific Comments)

cc (w/ attachment):
DOI: Rock Salt, Dennis Duke, Don Jodrey
USACE: Stu Appelbaum, Marie Burns, Steve Kopecky, Pauline Smith, Brad Foster, Gwen Nelson, Trent Ferguson
NPS Southeast Regional Office: Paul Anderson,
ENP: Bob Johnson, Carol Mitchell, Dave Sikkema, Dave Hallac, Mark Wolff, Brien Culhane, Fred Herling, Linda Irey

PD-SS Control

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MAR 07 2008

South Florida Regional Planning Council

March 3, 2008

Ms. Lauren P. Milligan
Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Blvd, Mail Station 47
Tallahassee, Florida 32399-3000

RE: SFRPC#08-0202, SAI# FL200802053982C, Department of the Army, Jacksonville District Corps of Engineers, Scoping Notice Draft Environmental Assessment for the Tamiami Trail Modifications Limited Reevaluation Report, water deliveries to Everglades National Park, Miami-Dade County, Florida.

Dear Ms. Milligan:

We have reviewed the above-referenced notice and have the following comments:

- The project should be consistent with the goals and policies of Miami-Dade County's comprehensive plan and their corresponding land development regulations. It is important for the applicant to coordinate permits with all governments of jurisdiction.
- Staff recommends that, if this permit is granted, 1) impacts to the natural systems be minimized to the greatest extent feasible and 2) the permit grantor determine the extent of sensitive wildlife and vegetative communities in the vicinity of the project and require protection and or mitigation of disturbed habitat. This will assist in reducing the cumulative impacts to native plants and animals, wetlands and deep-water habitat and fisheries that the goals and policies of the *Strategic Regional Policy Plan for South Florida (SRPP)* seek to protect.
- The project is located over the Biscayne Aquifer, a natural resource of regional significance designated in the *SRPP*. The goals and policies of the *SRPP*, in particular those indicated below, should be observed when making decisions regarding this project:

GOAL 7	**Protect, conserve, and enhance the Region's water resources.**
Policy 7.1	Develop a more balanced, efficient, and ecologically sustainable allocation and reservation of the water resources of the Region.
Policy 7.11	Encourage the implementation and further development of water conservation measures.
GOAL 14	**Preserve, protect, and restore Natural Resources of Regional Significance.**
Policy 14.1	Address environmental issues, including the health of our air, water, habitats, and other natural resources, that affect quality of life and sustainability of our Region.
Policy 14.3	Protect native habitat by first avoiding impacts to wetlands before minimizing or mitigating those impacts. Development proposals should demonstrate how wetland impacts are being avoided and what alternative plans have been considered to achieve that objective.

Thank you for the opportunity to comment. If you require further information, please contact me at 954-985-4416.

Sincerely,

Rachel M. Kalin

Rachel M. Kalin
Planning Technician

RMK/kal

cc: Marie Burns, Acting Chief, DOA

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, State (800) 985-4416
SunCom 473-4416, FAX (954) 985-4417, Sun Com FAX 473-4417
email: sfadmin@sfrpc.com, website: www.sfrpc.com

Florida Fish and Wildlife Conservation Commission

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Chair
Miami

Brian S. Yablonski
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Tallahassee

Kathy Barco
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Victor J. Heller
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Karen Ventimiglia
Deputy Chief of Staff

Office of Policy and Stakeholder Coordination
Mary Ann Poole
Director

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(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

March 4, 2008

Ms. Lauren Milligan
Florida State Clearinghouse
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-3000

Re: SAI #FL20080205398C, U.S. Army Corps of Engineers (COE), Scoping Notice, Draft Environmental Assessment (EA) for the Tamiami Trail Modifications Limited Reevaluation Report (TTM LRR), Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Ms. Milligan:

The Habitat Conservation Scientific Services Section of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated agency review of the scoping notice for the referenced project, and reiterates the following concerns that we would like to see addressed during the development of a Draft Limited Reevaluation Report and Environmental Assessment.

Project Description

The Tamiami Trail is one of the four major components of the 1992 General Design Memorandum of the Modified Water Deliveries to Everglades National Park project. The purpose of this project is to increase flows to Northeast Shark River Slough and to help restore the ecosystem of the park. This EA addresses a modification to the features authorized for Tamiami Trail by the 1992 General Design Memorandum and the 2005 Revised General Reevaluation Report/Supplemental Environmental Impact Statement. A total of 27 alternatives have been developed to examine the effects of variations of water stages in the L-29 canal together with several options for conveyance of water through the road from the L-29 canal into Northeast Shark River Slough. Conveyance options include spreader swales, additional culverts, pump stations, and various configurations of bridges. Project delays and funding constraints have led to the development of additional cost-saving alternatives that would limit road raising to low areas of the Tamiami Trail and further reduce the length of the roadway that would be bridged to no more than one mile.

Concerns and Recommendations

Our original concerns on raising the Tamiami Trail were conveyed previously to the COE in a letter (enclosed) dated June 13, 2000, to James C. Duck, and these concerns remain relevant. Subsequently, we have relayed additional detailed comments, concerns, and recommendations on the various Tamiami Trail features directly to the COE through several Fish and Wildlife Coordination Act Report (FWCAR) documents as well as through the Florida State Clearinghouse. This correspondence includes a preliminary supplemental FWCAR (enclosed) dated August 11, 2005; a letter (enclosed) dated March 17, 2004, to James C. Duck; a preliminary FWCAR (enclosed) dated June 24, 2003, on the preliminary draft GRR/SEIS; a Planning Aid Letter (PAL; enclosed) dated February 26, 2001; and a letter (enclosed) via the Florida State Clearinghouse dated January 16, 2002, to Ms. Jasmine Raffington.

We note that the current planning process is leaning strongly towards an alternative plan that would improve conveyance near the eastern end of the Tamiami Trail with the addition of a one-mile bridge there, but no conveyance improvements are planned elsewhere along the 10.7-mile stretch of roadway. We would like the COE to give serious consideration to improving conveyance along other portions of the Trail as well. Based on discussions with South Florida Water Management District staff, we believe that the strategic placement of box culverts at historic sloughs and/or aligned with the S-355 and other existing or planned water conveyance structures in the L-29 Levee, in conjunction with downstream spreader swales, would greatly augment hydraulic and ecological connectivity. Although some scientific uncertainties remain, we are encouraged by the COE's most recent modeling results, which predict that the addition of spreader swales below each set of Tamiami Trail culverts would result in an increase in the conveyance capacity of these culverts by approximately 12 percent at an L-29 canal stage of 8.0 feet NGVD. Although we recognize the current funding constraints for not raising the road to a height capable of withstanding an L-29 canal stage design of at least 8.5 feet NGVD, we do encourage further examination of that option in the future, as the Comprehensive Everglades Restoration Program progresses. This and other similar additional measures that would significantly increase depths and hydroperiods over thousands of acres in Northeast Shark River Slough would help enhance and restore the ecological functions of Everglades National Park as envisioned by the Everglades National Park Protection and Expansion Act of 1989."

Summary

We fully support the ecological benefits expected from this project, and will continue to work closely with the COE through the project's implementation. We furthermore ask that the COE address our concerns and recommendations contained in this letter as well as prior ones that have been conveyed to them over the course of the last eight years to ensure that any unintentional adverse impacts to the area's natural resources, particularly to state-listed wildlife species, are either averted or minimized.

If you or your staff would like to coordinate further on the recommendations contained in this report, please contact me at (850) 410-5272 or email me at maryann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If you or your staff has any specific questions regarding our comments, I encourage them to contact Tim Towles at (772) 778-6354; email tim.towles@myFWC.com.

Sincerely,

Mary Ann Poole

Mary Ann Poole, Director
Office of Policy and Stakeholder Coordination

map/dtt/cc
ENV 1-3-2
Tamiami Trail_1269

Enclosures

cc: Pauline Smith, COE, Jacksonville
Marie Burns, COE, Jacksonville
Greg Knecht, DEP, Tallahassee
Inger Hansen, DEP, West Palm Beach
Paul Linton, SFWMD, West Palm Beach
Paul Souza, FWS, Vero Beach
Kevin Palmer, FWS, Vero Beach
Dan Kimball, ENP, Homestead
Chuck Collins, FWC, West Palm Beach

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June 13, 2000

Mr. James C. Duck
Chief, Planning Division
ATTN: Mr. Elmar Kurzbach
U.S. Army Corps of Engineers
P.O. Box 4790
Jacksonville, Florida 32232-0019

Re: Scoping Notice for Modified Water Deliveries to Everglades National Park: Raising Tamiami Trail, Broward and Miami Dade Counties

Dear Mr. Duck:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has received the scoping notice for the referenced project, and offers the following concerns that we would like to see addressed during the development of a General Reevaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS).

The reason that a GRR and SEIS are being developed is that new information acquired since the project was approved in 1992 indicates that the original design would be insufficient to pass the volume of water that would need to be conveyed under the Tamiami Trail via the program of Modified Water Deliveries to Everglades National Park. Four options are being considered: (1) construct four bridges and institute a maintenance program for the remaining roadway, (2) construct four bridges and raise the remaining roadbed one to two feet; (3) construct a new roadway north of the existing alignment, and (4) construct a new roadway south of the existing alignment. The portion of Tamiami Trail that would be affected by this project is limited to that stretch which lies between Water Conservation Area 3B and Everglades National Park; however, the extent to which construction might alter the highway immediately west and east of this stretch is not clear.

We have three major areas of concern with regard to the potential impacts of this project.

1. Maintenance or enhancement of existing recreational access points. Depending on the extent of construction, as many as five access areas to Water Conservation Area 3B and the eastern corner of Water Conservation Area 3A could be affected by the redesign and construction. We request that we be consulted early in the planning stages so that we

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may work with the U.S. Army Corps of Engineers and the Florida Department of Transportation to maintain or, if feasible, improve these access points and reduce impacts during construction.

2. Potential loss of Everglades marsh. The third option would likely eliminate portions of Water Conservation Area 3B, particularly as the road would need to circumvent the Tigertail Camp, which lies along the L-29 levee. The fourth option would similarly affect Everglades National Park, particularly as the road would need to circumvent the Osceola Camp. Given the loss of native habitat that has already occurred in the Everglades, we would find it difficult to support any alternative that would result in further loss of native Everglades marsh.

3. Protection of nearby active rookeries. Two active rookeries occur very near this portion of Tamiami Trail. One of these, "Tamiami West," has had a recent history of nesting activity by wood storks (endangered) and tricolored herons, little blue herons, snowy egrets, and white ibis (all species of special concern). This past year, an estimated 1,200 to 1,300 wood stork nests were observed at this colony (T. Towles, FWC, pers. comm.). While the recent blasting for the S-355 structures did not appear to cause any disruption in nesting that was already underway at the time, we are concerned that prolonged construction that starts during the nesting season might prove to be more damaging; therefore, we would recommend that any construction near the rookery be started outside of the nesting season. Our staff would be happy to work with yours during the planning process to determine the appropriate distance to satisfy this particular concern.

Because our concerns with regard to recreational access are likely to be unique to the Florida Fish and Wildlife Conservation Commission, we intend to submit to you Planning Aid Letters and a Fish and Wildlife Coordination Act report independent of those submitted by the U.S. Department of the Interior. If you have any further questions, please feel free to contact Mr. Timothy Towles (561-778-5094) in our office in Vero Beach.

Sincerely,

Bradley J. Hartman

Bradley J. Hartman, Director
Office of Environmental Services

BJH/MAP
ENV 2-16/2/5
a:\tamiami.let.wpd
cc: Ms. Marjorie Bixby, FDOT, Miami
Mr. Stephen Forsythe, FWS, Vero Beach
Superintendent Richard Ring, ENP, Homestead

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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January 16, 2002

Ms. Jasmin Raffington
Florida State Clearinghouse
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: SAI #FL200112061274C, Tamiami Trail Feature- Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Ms. Raffington:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the referenced Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS), and provides the following comments.

This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5 square mile area residential development along the eastern side of Northeast Shark River Slough (NESRS), conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B and NESRS, and an overall operational plan for the newly constructed water control structures. Many of our comments and concerns on the Tamiami Trail Feature have previously been conveyed directly to the Army Corps of Engineers (COE) in a review of a preliminary draft GRR/SEIS via a preliminary Coordination Act Report (CAR) (attached) dated September 14, 2001, and through a Planning Aid Letter (PAL) on the project dated February 23, 2001. Our comments in this letter will thus focus on the COE's responses to some of our previous recommendations in the preliminary CAR, as well as providing specific comments on the text of the GRR/SEIS.

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First of all, we are pleased that the COE is actively seeking a real estate agreement with the Florida Department of Transportation (FDOT) on the potential maintenance of the Tamiami Trail in lieu of raising the entire road profile. Furthermore, we believe it is important that an agreement be formalized before the release of the Final GRR/SEIS, and that the appropriate changes be incorporated into the description of the preferred alternative for public review.

We are also encouraged that the COE has concurred with us on the placement of the 3,000-foot bridge immediately east of the Blue Shanty Canal. However, the location appears much less certain in many sections of the document. Its location is variously listed as occurring somewhere between the Blue Shanty Canal and Coopertown, to a site one mile east of the S-333 structure. These discrepancies should be rectified before the release of the Final GRR/SEIS. Furthermore, we believe that the installation of a wildlife shelf on the western bridge abutment should be investigated further since such a feature may help reduce road mortality of the threatened Everglades mink. The proposed 10 to 15-foot width of the shelf could be reduced in size to accommodate only the mink and other small mammals, and incorporated into the design plans of the bridge structure to lessen costs, if needed.

Concerning the COE's response to our request that annual surveys be conducted for state or federally protected bird species, there was a general failure in the restating of our recommendation in that those species with protective designations other than endangered were omitted. Since the COE is currently supporting monitoring of wading bird colonies and snail kite nesting in the Water Conservation Areas, a continuation of this commitment with a slightly expanded scope could easily satisfy the bird nest monitoring part of our request. However, since the intent of this project is environmental restoration, we still recommend that a survey be supported at construction sites to determine the risk of impacts to the threatened Everglades mink.

In response to our concerns about impacts to recreational access, the COE stated that no adverse effects on recreational access were anticipated. However, section 5.8.8 of the document states that there would be temporary impacts during the 24-month construction period under alternative 7a. Furthermore, a 3,000-foot bridge on the Blue Shanty Canal alignment would likely eliminate fishing access to at least one culvert being replaced by the bridge, and at least a 3,000-foot length of the south bank of the L-29 Canal. A bridge alignment west of the Airboat Association would displace two culvert outfalls and a similar length of access along the L-29 Canal. Since one of the planning objectives was to minimize impacts to recreation facilities, the metrics developed for measuring impacts (page 79) should be dutifully employed.

In conclusion, we support the preliminarily preferred alternative (7a) with the understanding that 1) a real estate agreement between the COE and FDOT will be formalized and included in the Final GRR/SEIS to avoid costly retrofitting during implementation of the

Comprehensive Everglades Restoration Plan, 2) the specific location of the 3,000-foot bridge is rectified within the document, and 3) all potential recreational access impacts are fully addressed.

Sincerely,

Bradley J. Hartman

Bradley J. Hartman, Director
Office of Environmental Services

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ENV 2-16/4
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Enclosure

cc: Colonel James G. May, COE, Jacksonville
Environmental Branch, COE, Jacksonville
Mr. Jay Slack, USFWS, Vero Beach
Superintendent Maureen Finnerty, ENP, Homestead

Specific Comments on the GRR/SEIS Text

The pages referred to in this attachment are those in the draft GRR/SEIS document dated November 2001. Comments are presented in the order in which they occur in the text.

p. ES-1, last paragraph: The real estate interests describe a 3000-foot conveyance channel/easement to be located between the Blue Shanty Canal and Coopertown. The siting of this easement should be more narrowly defined as between the Blue Shanty Canal and the Airboat Association of Florida.

p. ES-3, 3rd paragraph: Will the existing Tamiami Trail embankment profile between the Blue Shanty Canal and Coopertown still need to be modified if a road maintenance real estate agreement is formulated between the COE and FDOT? A better explanation should be provided as to why the modifications are being proposed for only this specific portion of the roadway.

p. 7, section 1.3.2, 1st line: It is stated that the limits of the project "extend approximately 10.7 miles to the west to Water Control Structure S-334." The S-334 should be replaced with S-333.

p. 32, section 2.5.3: It would be more appropriate to state that the FWC manages WCA-3B as a wildlife management area called the Francis S. Taylor Wildlife Management Area. The area is managed primarily to maintain the inherent ecological values unique to the Everglades while also allowing compatible public recreational uses. Although the area may be dominated by sawgrass, reference should be made to the generally unimpacted tree island communities that, although rare, are extremely important habitats for a wide array of both terrestrial and semi-aquatic species of Everglades wildlife. In addition to snail kites, WCA-3B also provides foraging habitat for federally endangered wood storks as well as for snowy egrets, tricolored herons, little blue herons, white ibis, and limpkins (all listed by the FWC as species of special concern).

p. 41, section 2.5.5, last sentence: Copies of the USFWS and FWC CARs are not included in appendices A and B as stated here, but rather are located in appendices I and J, respectively.

p. 67, section 5.3.3, 3rd paragraph: It is incorrectly stated that the Reasonable and Prudent Alternative of the FWS Final Biological Opinion on the Cape Sable Seaside Sparrow requires that water discharges be passed *through WCA-3B* and into Northeast Shark River Slough (NESRS). Rather, the Opinion only requires that the set percentage (60% beginning in March 2002) of regulatory water discharges enter into NESRS east of the L-67 Extension levee. This can easily be accomplished by releasing water from WCA-3A via the S-333 structure into the L-29 Canal, and then passing the flows through the Tamiami Trail culverts into NESRS, in conjunction with the use of the South Dade Conveyance System and its associated structures.

p. 75, section 5.4, 1st line: As described in our preliminary CAR, the L-29 Canal also serves as a recreatoinal fishery which is likely to improve upon the completion of the Mod Waters project.

p. 202-204, section 5.11: This is a new section in which the COE performed an incremental analysis to determine the optimal bridge opening needed to pass the required flows and achieve

an acceptable water distribution south of the Tamiami Trail. The graphics portrayed on these pages are difficult for the reader to interpret since the contour scales vary between the illustrations and the colors used for the legend are difficult to differentiate. Additional clarification of how alternative 7 better meets the flow requirements would also be helpful.

Appendix I: The COE's responses to our draft CAR would probably be easier for the reader to locate if they were moved from the beginning of the USFWS CAR in appendix I to the beginning of our own CAR in appendix J.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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February 26, 2001

Colonel James G. May
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: General Reevaluation Report/ Supplemental Environmental Impact Statement, Tamiami Trail Modifications Project, Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Colonel May:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the draft Supplement to the 1992 General Design Memorandum and Final Environmental Impact Statement (GRR/SEIS) for the Tamiami Trail Project of Modified Water Deliveries to Everglades National Park ("Mod Waters"), dated December 22, 2000. This planning aid letter is submitted under the authority of the Fish and Wildlife Coordination Act of 1973.

Description of Alternatives

The reason that a GRR/SEIS is being developed is that new information acquired since the project was approved in 1992 indicates that the original design would be insufficient to pass the volume of water that would need to be conveyed under the Tamiami Trail via Mod Waters. Nine basic alternatives, four of which contain from one to six different water quality treatment options, are being considered. After the GRR/SEIS was distributed, the Department of Interior submitted an additional alternative, referred to here as alternative six. In addition, we have been told that another alternative utilizing box culverts has been evaluated by your staff in house, but has not yet been distributed for wider review. For a short description of these alternatives, please refer to Table 1. We have three major areas of concern with regard to the potential impacts of this project: (1) impacts to existing recreational facilities and access points, (2) impacts to fish and wildlife resources, and (3) potential loss of Everglades marsh.

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www.state.fl.us/fwc/

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Impacts to Existing Recreational Facilities and Access Points

Consideration of impacts to recreation facilities developed by the Florida Game and Fresh Water Fish Commission under the authority of the Land and Water Conservation Fund Act (P.L. 88-578) and the Federal Water Project Recreation Act (P.L. 89-72) should be carefully examined. Within the project area, there exist at least six developed marsh or canal access points, of which at least four contain an FWC-maintained boat ramp permitted by the South Florida Water Management District, and all sites possess a limited amount of primitive parking space. Three of these boat ramp facilities provide access to the Francis S. Taylor Wildlife Management Area (Water Conservation Area [WCA]-3B), one (#153) is located approximately 3 miles west of the S-334 structure and provides access to the northern bank of the L-29 canal, while the other two, located at opposite ends of the project area, provide airboat access to the marsh. The boat ramp immediately north of the S-333 structure provides access to the popular L-67A canal, while another ramp at the juncture of the L-67A and L-67C levees provides access to the L-67C canal and to "the pocket" of WCA-3B. The last facility, located immediately west of the S-12D structure, provides access to the L-29 canal and adjacent marshes of WCA-3A, both portions of the Everglades Wildlife Management Area. Of the four established recreation sites, three are still present. Recreation site No. 1 is located on the L-29 levee immediately east of the S-334 structure. Recreation site No. 2 is located about 3 miles west of Site No. 1 and includes the only FWC boat ramp for access to this 11-mile stretch of the L-29 canal. Recreation site No. 4, located adjacent to the S-333 structure, harbors three boat ramps and is the most important access point on the Tamiami Trail for boaters.

It is probable that the enhanced connectivity created by the Seepage and Conveyance portion of the Mod Waters through employment of the two S-355 structures and the three weirs across the L-29 levee, combined with the accompanying greater water depths, will lead to an improved fishery along this eleven-mile stretch of the L-29 canal and at associated structures. Such an enhanced fishery would result a greater amount of use by the fishing public, and may warrant improved recreational access to the L-29 canal and its associated conveyance structures, particularly given the proximity of this area to greater Miami. Consequently, those aspects of the various alternatives that further enhance connectivity between the L-29 canal and the adjacent marsh habitats would have a positive effect on the L-29 canal fishery as well as improve compatibility with the Decompartmentalization Phase 1 Project of the Comprehensive Everglades Restoration Plan (CERP). Of course, all of the potential benefits that could be realized through increased connectivity between the L-29 canal and adjacent marshes are contingent on the maintenance of some deeper water habitat in the L-29 canal. The potential impacts associated with each group of alternatives are listed as follows.

1. <u>Alternatives 1, 2a, 2b to 2b6, 4a, and 4b to 4b6</u>. Each of these alternatives physically connect the L-29 canal to the marsh in Everglades National Park for only 2.5% of the entire project corridor length (i.e., create a 2.5% marsh-canal interface) by means of the four new bridges; however, creative water quality treatment options b1 to b3 of alternatives 2, 4, and 6 would encroach into the L-29 canal. We understand from

statements made by your staff that it will be necessary to maintain the water supply conveyance capacity of the L-29 canal for some undefined period of time, which would necessitate maintaining deeper water conditions in this section of the canal. Nevertheless, the above-mentioned water quality treatment options would encroach into the south portion of the L-29 canal, with a concomitant widening of the canal to the north. This option would essentially eliminate any existing littoral zone on the south bank of the canal and would result in the loss of the boat ramp located on the north bank of the L-29 canal.

2. Alternatives 3a and 3b. Each of these alternatives would provide a 10% marsh-canal interface along the project corridor through the addition of eight new bridges; however, a reduction in available parking space on the north side of the L-29 canal for recreational users in alternatives 3a and 3b would negatively impact recreational access. Recreation site No. 2 would also probably be negatively affected by this northerly road alignment.

3. Alternatives 5a and 5b. The ultimate increase in connectivity would be realized with alternative 5A, which would provide a 98% opening of the corridor, with alternative 5b providing a very beneficial 75% opening. Although access to the north bank of the L-29 canal would be reduced for bank anglers, fishing opportunities may still exist if fishing access is available to anglers from the elevated bridge span.

4. Alternatives 6a and 6b. This alternative is estimated to result in about a 35% opening of the entire length of the Tamiami Trail corridor. Although approximately 4 miles of the northern bank of the L-29 canal would be unavailable to bank anglers, the remaining 6 miles should still be accessible. As in alternative 5, less opportunity would be lost if fishing access is possible from the bridge span.

Impacts to Fish and Wildlife Resources

Of particular concern are the potential impacts that an alternative could have on state-listed species of wildlife or important habitat components. There are three historic wading bird rookeries containing species listed by the state as endangered or species of special concern, recent records of endangered snail kite nests in southern WCA-3B, a number of records of the threatened Everglades mink along the highway corridor, and the occasional occurrence of the endangered West Indian manatee in the L-29 canal. In addition, other listed species such as the limpkin and roseate spoonbill (both listed as species of special concern) utilize marsh areas, and the least tern (threatened) forages in canal habitats that could be impacted under certain alternatives. The potential impacts that could occur are listed by alternative groups as follows.

1 Alternatives 1 and 2a. The temporary road for detouring traffic while proposed bridge #3 is under construction would encroach into the pond apple forest at the Tamiami West colony, on the south side of the Tamiami Trail, that provides nesting substrate for white

ibis, tricolored herons, little blue herons, snowy egrets, and wood storks. Consequently, this forested area would be eliminated as a nesting substrate for an unknown number of years. Any heavy construction activity, including construction of the temporary road, should be conducted outside of the wading bird nesting season, which normally extends from early February to the onset of the rainy season.

2. Alternative 2b. This alternative encroaches to a greater extent (average of 51 feet) into the marsh south of the existing Tamiami Trail with incursions of 5 to 6 additional feet at bridge approaches. Consequently, this alternative would have a greater permanent impact on the Tamiami East and Tamiami West wading bird colonies due to a greater permanent loss of nesting substrate as well as a decrease in the amount of buffer capacity available. The Everglades mink has been documented to use both natural and artificial upland areas for denning purposes; therefore, this alternative could potentially impact mink denning areas that may occur in either native upland areas or at the artificially created upland areas where the airboat concession sites are located. Option 2b1, which shifts the alignment to the north, is only a slight improvement over alternative 2b.

The 2b creative water quality treatment options of 2b2 to 2b6 (Table 1) result in much more modest incursions into the two Tamiami wading bird colonies; however options 2b2 and 2b3 would eliminate littoral zone elements on the south shore of the L-29 canal, eliminate reptile oviposition and basking sites on the south shore of the canal, and could result in the entrapment of terrestrial animals attempting to cross the canal.

3. Alternatives 3a and 3b. Both of these alternatives and the various 3b options presented would result in the loss of a significant amount of high quality wildlife. The Frog City wading bird colony, which has been documented to contain nesting tricolored herons and great egrets, would be either eliminated or severely impacted by the road alignment, which encroaches further into the marsh at this point in order to avoid the Tigertail Camp. There could potentially be dens of the Everglades mink in the L-29 levee, as well.

4. Alternatives 4a and 4b. Both of these alternatives would produce significant incursions into the Tamiami West and Tamiami East wading bird rookeries, as well as eliminate important swamp forest habitat along the remainder of the corridor. Although options 4b1-4b6 would reduce the amount of encroachment from alternative 4b, they are only slightly better than alternative 2b. The Everglades mink has been documented to use some of the man-made upland sites along this alignment for denning purposes, and could potentially be impacted by construction activity.

5. Alternatives 5a and 5b. These alternatives are believed to be the most beneficial to wildlife, with no known impacts. These alternatives would leave important rookery vegetation intact on both sides of the Tamiami Trail and minimize potential impacts to mink denning areas. Road-related mortality of the Everglades mink, with at least 14

documented occurrences, would essentially be eliminated. Other mammals, reptiles, and amphibians would similarly benefit.

6. Alternatives 6a and 6b. Alternative 6a would produce impacts to the two Tamiami rookeries as described for alternatives 1 and 2a, above. Alternative 6b and its various options would result in impacts to these rookeries and to the L-29 canal identical to those described under alternative 2b, above. Road-related mortality of the Everglades mink and other wildlife would be eliminated at the four-mile bridge, and mink survival could be further enhanced by providing elevated wildlife crossing shelves under the east and west ends of the extended bridge. Mink denning areas could also be protected by avoiding the need to encroach upon the upland sites south of the existing road. Mink habitat could actually be improved by the planting of these upland sites to resemble native Everglades tree island communities.

Potential Loss of Everglades Marsh

In order to ascertain the potential impacts that each alternative iteration would pose to the functionality of wetlands, a multi-agency team was assembled and the Wetland Rapid Assessment Procedure (WRAP) applied to the various wetland plant communities in the Tamiami Trail corridor. The results of this assessment revealed that the functional value of wetland communities immediately north of the L-29 levee in WCA-3B were of somewhat higher quality (average score of 0.74) than similar wetlands situated immediately south of the Tamiami Trail in the Everglades Expansion Area of Everglades National Park (average score of 0.62). The seven water quality treatment options of 3b through 3b6 presented for alternative 3 were predicted to result in the loss of from 16 to 30 wetland functional units in WCA-3B, whereas alternative 3a (without water quality treatment) was predicted to result in the loss of 19 functional units (Table 1). Likewise, the nine water quality treatment options of 4b through 4b6, 2b, and 2b1 were predicted to result in the loss of from 34 to 65 wetland functional units in Everglades National Park, whereas alternative 4a (without water quality treatment) was predicted to result in the loss of 40 wetland functional units (Table 1). We believe that the amount of wetland function that would be lost under any of the above alternatives is unacceptable given the loss of native habitat that has already occurred in the Everglades. However, we would wholeheartedly support alternative 5 and its variations which actually results in gains of from 30 to 45 wetland functional units. The new four-mile bridge alternative (referred to in this document as alternative six) that has only recently been proposed to the Army Corps of Engineers by the U.S. Fish and Wildlife Service and Everglades National Park, with our support, would result in a minimal loss of wetland function. Alternatives 6b2 through 6b6 are predicted to result in the loss of only 3.3 wetland functional units. Alternatives 2b2 through 2b6, although not as desirable as alternative 5 or alternatives 6b2 through 6b6, would have relatively low impacts on wetlands, with only about 8 functional units lost (Table 1).

Summary and Recommendations

We are concerned about the potential loss of public recreational fishing and boating opportunities that could occur with this project, since such opportunities are anticipated to decline as a result of restoration activities associated with both the Conveyance and Seepage component of Mod Waters and the Decompartmentalization Project of CERP. Other upcoming components of CERP such as the Water Preserve Areas Feasibility Study are, as designed at this point, anticipated to offer little in terms of compensating for the recreational fishing opportunities that will be lost with the filling of internal canals in the Everglades and Francis S. Taylor Wildlife Management Areas. Consequently, in light of these anticipated losses, whenever an opportunity exists to maintain important recreational facilities and recreational opportunities that do not significantly impinge on the restoration of the greater Everglades ecosystem, we believe that the recreational value of such features to the local public should receive strong consideration in the decision-making process. In short, a program for the development of the recreational potential, adequate to meet anticipated public-use requirements, should be incorporated into project plans.

In terms of potential impacts to fish and wildlife, alternatives 5a and 5b appear to be the most desirable, since they would result in an increase in wetland function, avoid permanent impacts to wading bird rookeries, provide maximum connectivity across the Tamiami Trail, minimize wildlife road-related mortality, and could continue to provide recreational fishing and boating opportunities, provided that bank fishermen could access the L-29 canal from the bridge and boating access to the L-29 canal remains via public boat ramps. On the other hand, alternatives 2b, 3a, 3b, 4a, and 4b produce an unacceptable amount of wetland functional loss, result in permanent impacts to wading bird rookeries, and have the potential to impact the threatened Everglades mink population; therefore, we recommend that they be removed from further consideration as ecologically viable alternatives.

Sincerely,

Bradley J. Hartman

Bradley J. Hartman, Director
Office of Environmental Services

BJH/DTT
ENV 2-16/4
TamTrail FWCARlet
Enclosure
cc: Mr. Stephen Forsythe, FWS, Vero Beach
Ms. Maureen Finnerty, ENP, Homestead
Ms. Doris Marlin, COE, Jacksonville
Dr. Hanley "Bo" Smith, COE, Jacksonville

Table 1. Description of Alternatives being considered for the Tamiami Trail Project and their effects on wetland extent and function as determined by the Wetland Rapid Assessment Procedure.

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
1	Existing alignment and profile with 4 new bridges without water quality treatment	-1.6	-2.9
2a	Existing alignment with raised profile and 4 new bridges without water quality treatment	-1.6	-11.1
2b	Existing alignment with raised profile, 4 new bridges, with standard dry detention water quality treatment	-50.3	-37.5
2b Options	"Creative" water quality treatment options		
2b 1	Shift alignment to north and compress swale with wall elements/south side	-44.6	-33.6
2b 2	Shift alignment to north and compress swale with wall elements/north side	-8.0	-8.4
2b 3	Shift typical section north encroaching approximately 50ft. into L-29 Canal	-8.0	-8.4
2b 4	Grass strips	-8.0	8.4
2b 5	Exfiltration trenches with curb and gutter	-8.0	8.4
2b 6	Exfiltration trenches with shoulder gutter	-7.9	-8.3
3a	New north alignment in WCA-3B with raised profile and 8 new bridges without water quality treatment	-14.3	-18-8
3b	New north alignment in WCA-3B with raised profile, 8 new bridges, and standard dry detention water quality treatment	-28.9	-30.2
3b Options	"Creative" water quality treatment options		
3b 1	Modified 2b 1 Option	-22.8	-25.4
3b 2	Modified 2b 2 Option	-10.6	-16.0
3b 3	Modified 2b 3 Option	-13.5	-18.2
3b 4	Grass strips	-9.6	-15.2
3b 5	Same as 2b 5	-10.3	-15.8
3b 6	Same as 2b 6	-10.4	-15.9

Table 1 continued

Alternative	Description	Acres Lost	Functional Units Lost (-) / Gained
4a	New south alignment with raised profile and 4 new bridges without water quality treatment	-68.4	-40.4
4b	New south alignment with raised profile, 4 new bridges, and standard dry detention water quality treatment	-103.9	-64.6
4b Options	"Creative" water quality treatment options		
4b 1	Modified 2b 1 Option	-62.6	-36.5
4b 3	Modified 2b 3 Option	-62.5	-36.5
4b 4	Grass strips	-61.3	-35.6
4b 5	Same as 2b 5	-62.6	-36.5
4b 6	Same as 2b 6	-62.5	-36.5
5a	New alignment with an elevated bridge structure without water quality treatment	57.3	39.3
5b	New alignment with an elevated bridge span with water quality treatment	43.0	29.5
5c	New alignment with an elevated bridge span without water quality treatment and with L-29 levee removed	65.9	45.3
5d	New alignment with an elevated bridge span with water quality treatment and with L-29 levee removed	49.4	33.9
"6a"	New proposed FWS/ENP/FWC alternative on existing alignment with a 4-mile bridge between Cooper Town and the Blue Shanty Canal, and additional box culverts	N/A	-6.60
"6b"	Same as alternative 6a with standard dry detention water quality treatment	N/A	-22.8
6b Options	"Creative" water quality treatment options		
"6b 1"	Same as Option 2b 1 applied to remaining roadway	N/A	-20.9
"6b 2-6b 6	Same as Option 2b 2 - 2b 6 applied to remaining roadway	N/A	-3.3

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Tim Towles

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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August 11, 2005

Colonel Robert M. Carpenter
District Engineer
U.S. Army Corps of Engineers
701 San Marco Boulevard, Room 372
Jacksonville, Florida 32207-8175

Re: Supporting documents for the Draft Revised General Reevaluation Report/Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail, Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Colonel Carpenter:

The Habitat Conservation Scientific Services Section of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated agency review of the supporting documents being used to craft the Draft Revised General Reevaluation Report/Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Project of Modified Water Deliveries to Everglades National Park (MWD). These documents include the MWD Tamiami Trail Modifications Benefits Analysis, results from RMA-2 modeling of bridge lengths in Tamiami Trail, an Alternative Optimization Report prepared by Everglades National Park (ENP Report), and a Tamiami Trail Road-kill Survey report prepared by the U.S. Fish and Wildlife Service (FWS). Our comments and concerns on the Tamiami Trail Project are included in the following preliminary supplemental Fish and Wildlife Coordination Act Report (FWCAR), which is being submitted under the authority of the Fish and Wildlife Coordination Act of 1958.

Background

This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5 Square Mile Area residential development along the eastern side of Northeast Shark River Slough (NESRS); conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B, and NESRS; and an overall operational plan for the newly constructed water control structures.

REC'D AUG 15 2005

Project Description

The reason that the 2003 GRR/SEIS is being revised is that new information regarding probable damage to the Tamiami Trail was raised during and subsequent to the public and agency review of the final report, leading to a determination by the U.S. Army Corps of Engineers (COE) that the recommended plan did not contain all of the features necessary for implementation. Recent modeling indicates that an increase in the design high-water stage for the L-29 canal from 9.3 ft to 9.7 ft would be necessary, accompanied by the need for a different, and potentially more costly, method such as raising the road to mitigate effects to the Tamiami Trail. Compounding this added expense, worldwide cost of construction materials increased greatly, resulting in substantial increases in cost estimates for the alternatives. Due to these cumulative increases in costs, the tradeoffs between benefits and costs were reanalyzed for the purpose of determining whether a different alternative might make better use of limited funds.

Of the nine basic alternatives previously addressed by our FWCAR dated June 24, 2003, three have been retained for re-evaluation, and a new alignment has been proposed for one of these. Those retained for further evaluation include: Alternative 9, the 3,000-foot bridge located east of the Blue Shanty Canal (the previous Tentatively Selected Plan) with a higher roadway elevation; Alternative 10, a centrally located 4-mile bridge with a higher roadway elevation ("central 4-mile bridge"); Alternative 11, an eastern 4-mile bridge with a higher roadway elevation ("east 4-mile bridge"); and Alternative 17, a 10-mile bridge. The central 4-mile bridge is a slight realignment of Alternative 6a from the 2003 GRR/SEIS, and had been considered by Everglades National Park (ENP) and the COE as a strong contender for the new tentatively selected plan. However, further increases in construction cost estimates led the COE once again into alternative formulation to take into consideration shorter bridge lengths at various locations. Six additional alternatives were identified and are as follows: Alternative 12, a centrally located 3-mile bridge ("central 3-mile bridge"); Alternative 13, a centrally located 2-mile bridge ("central 2-mile bridge"); Alternative 14, a 2-mile bridge on the west end of the project area and a 1-mile bridge on the east end ("2-mile west/1-mile east bridges"); Alternative 15, a 1.3-mile bridge on the west end of the project area and a 0.7-mile bridge on the east end ("1.3-mile west/0.7-mile east bridges") ; and Alternative 16, three 3,000-foot bridges in the central portion of NESRS (Figure 1). We understand that the COE is now proposing the 2-mile west/1-mile east bridge (Alternative14) as the new Tentatively Selected Plan. The western 2-mile bridge would begin approximately 1.5 miles west of the L-67 Levee and extend to the east of the Blue Shanty Canal, requiring one access ramp to the Everglades Safari airboat concession located on the Blue Shanty Canal. The eastern 1-mile bridge would begin approximately 1.5 miles west of the L-31 N levee and extend to the west for 1 mile, capturing an old north-south agricultural canal. This bridge would lie between, and equidistant from, the two wading bird rookeries located immediately south of the Tamiami Trail. For our comments concerning Alternative 17, the 10-mile bridge (previously known as Alternative 5), please refer to our previous FWCAR dated June 24, 2003.

Our three major areas of concern with regard to the potential impacts of this project remain as follows: (1) impacts to existing recreational facilities and access points of the Francis S. Taylor Wildlife Management Area (WCA-3B), (2) impacts to fish and wildlife resources, and (3) potential loss or degradation of Everglades marsh. Many of our comments and concerns on the

Tamiami Trail feature have been conveyed previously to the COE in a letter dated March 17, 2004 (attached), to James C. Duck; in a review of a preliminary draft GRR/SEIS via a preliminary FWCAR (attached) dated June 24, 2003; through a Planning Aid Letter (PAL) dated February 26, 2001; and via the Florida State Clearinghouse in a letter dated January 16, 2002, to Ms. Jasmin Raffington. Our comments in this current letter focus on Alternatives 10 through 16, as well as the ecological benefits to be expected from each. We have already reviewed the design for the 10-mile bridge in our FWCAR dated June 24, 2003.

ENP Report and Benefits Analysis Procedures

The MWD Tamiami Trail Modifications Benefits Analysis was constructed largely from the ENP Report through two collaborative interagency workshops held by the COE in May and July, 2005. Although the ENP report integrated a great deal of historical and ecological information, its direct applicability to the Tamiami Trail RGRR is limited by a number of its assumptions. A screening process was therefore conducted by the interagency team whereby the number of performance measures (PMs) in the ENP Report was reduced from 33 to 12 PMs. The remaining 12 PMs address four important characteristics of ENP: hydrology, ridge and slough processes, vegetation, and fish and wildlife resources. An additional hydrologic PM for restoring water deliveries to ENP was added during the July workshop, resulting in a total of 13 PMs. The quantitative and qualitative values for the PMs were converted into scores (0 to 7) for each of the PMs. These scores were added together to produce an index of the quality of restoration for each alternative. Average annual habitat unit benefits were then calculated for each of the alternatives for relative comparison. The details of the above processes are explained in the COE document entitled "MWD Tamiami Trail Modification Benefits Analysis Procedures August 2005."

Although we support the overall objectives upon which the 13 performance measures for calculating benefits are based, we do not necessarily agree with all the hypotheses that the ENP Report used to justify the selected PMs. For example, we agree that the restoration of ridge and slough processes is an appropriate objective, and that the performance measure to reverse filling in of sloughs is appropriate. However, we do not believe that there is sufficient scientific evidence to support the higher water depths that the report suggests would be necessary to re-create ridge and slough habitat. The report states that the 100% restoration goal for the area downstream of the 4-mile centrally located bridge would require water depths greater than 2 feet for 80 - 100% of the time in the sloughs. On the contrary, we have supporting evidence from the current Everglades system that extreme high water depths of relatively long duration lead to a deterioration of ridge and slough landscape features and to declines in their associated wildlife populations. Southern WCA-3A has experienced severe degradation of its ridge components (sawgrass ridges and tree islands) due to excessive depths and durations during the past 40 years (Heisler et al. 2002, McPherson 1973, Patterson and Finck 1999). The Heisler et al. study found that marsh water levels exceeding 2.0 feet led to tree island flooding impacts demonstrated by a statistically significant ($P < 0.0001$) reduction in tree and shrub species richness. If we agree that tree islands, ridges, and sloughs are all defining components of a restored Everglades, then clearly more work needs to be done to reconcile the recommendation for a hydroperiod that promotes ridge and slough maintenance while also supporting tree islands.

The other objectives being used to calculate habitat units for alternative comparisons include restoring water deliveries to ENP, restoring vegetative communities, and restoring fish and wildlife resources. There appear to be credible sources of both historical and ecological information presented in the ENP Report that could be used to help evaluate the ecological benefits of the five remaining alternatives for conveying flows through the Tamiami Trail. These include hydrologic connectivity, velocity distributions downstream of the bridges, ground elevation, historic flow information, and historic slough locations based on an unpublished 1917 survey by J. W. King.

Comparison of the 4-Mile Bridge Alternatives (Alternatives 10 and 11) to a 3,000-Foot Bridge (Alternative 9)

The implementation of a 4-mile bridge alternative would provide for greater compatibility between MWD and the proposed Comprehensive Everglades Restoration Plan (CERP) Decompartmentalization ("Decomp") project by reducing the amount of retrofitting needed for the Tamiami Trail in that project. Information contained in the COE's Benefits Analysis determined that the central 4-mile bridge (Alternative 10) would produce 32,674 average annual habitat unit benefits and the east 4-mile bridge (Alternative 11) would produce 28,549 unit benefits. In contrast, the 3,000-foot bridge would only produce 12,453 average annual habitat unit benefits. Unfortunately, the COE has indicated that there are no longer sufficient funds to construct a 4-mile bridge.

The greater bridge lengths in Alternatives 10 and 11 would have augmented the hydrologic connectivity between the L-29 canal and ENP marshes to the south, facilitating the movement of aquatic biota between these two areas. As stated in the ENP Report, this enhanced connectivity may lead to improvements in micro-topography in the ridge and slough system in the long term by creating a larger area with open water or sparse vegetation. When water depths are shallow, such habitats are known to harbor greater fish densities and to be more productive foraging sites for wading birds (J.A. Surdick 1998). Improved foraging habitat should benefit the wading bird rookeries located in the vicinity of the Tamiami Trail. For additional comments on connectivity effects, please refer to our previous letter dated June 24, 2003.

The Tamiami Trail road-kill survey conducted by the FWS in 2002-03 documented 991 road-killed vertebrates along two miles of selected transects over 13 monthly sampling periods. Reptiles including turtles, snakes, and alligators were the most commonly found carcasses, constituting 84% of the total, while mammals, birds, and amphibians comprised the remaining 14% of the road-killed animals. Based on the two miles of transects surveyed in the FWS Tamiami Trail road-kill survey, there was an average of 262 road-kills/mile/year. An extrapolation of this data to a 4-mile bridge alternative may reduce the risk of wildlife mortality by seven-fold, resulting in 900 fewer road-killed animals per year than would occur with the 3,000-foot bridge alternative. Both the central and the east 4-mile bridge alternatives would result in a reduction of present road-related wildlife mortality by approximately 37% compared to only 5% reduction by the 3,000-foot alternative. If additional box culverts in these alternatives are strategically placed, further reductions in wildlife mortality could be realized. The FWS survey also reinforces the need for placement of a wildlife crossing at the juncture of

the L-30 and L-31 levees. For more details of our suggestions for reducing road-related mortality, please refer to our previous letter dated June 24, 2003.

Analysis by the COE using the RMA-2 hydrologic model was conducted to evaluate the velocity distribution of flows south of the Tamiami Trail for the different bridge configurations. The COE estimated that velocities in excess of 0.1 feet/second (ft/sec) would be excessive and destructive to the maintenance of the ridge and slough habitat. The RMA-2 modeling results predicted that 411 acres of marsh would be negatively affected by the 3,000-foot bridge, compared to only 98 acres by the central 4-mile bridge and 105 acres by the east 4-mile bridge. The ENP Report identified a lower velocity threshold of 0.045 ft/sec to evaluate differences between alternatives. Using this criterion, velocities greater than 0.045 ft/sec were estimated to negatively affect 1,649 acres under the east 4-mile bridge alternative and 438 acres under the central 4-mile bridge alternative. Although it is assumed that more natural flow velocities would provide greater benefits to aquatic biota, the appropriate target flow velocities, as well as the extent of benefits and their relative importance to wildlife populations is difficult to ascertain.

Another potential issue concerning the greater bridge lengths under Alternatives 10 and 11 is the longer construction time required. Under Alternative 7a (the 3,000-foot bridge) in the 2003 GRR, the construction period was estimated to last 24 months, whereas the length of time for completing construction of any one of the new alternatives is estimated to take 36 months. We hope that any additional time needed to complete the Tamiami Trail modifications does not delay the COE's ability to implement the portion of MWD that will be addressed under the Combined Structural and Operational Plan.

Comparison of central 4-mile (Alternatives 10) and east 4-mile bridge (Alternative 11)

Future plans under Decomp would remove the southern portion of the L-67A levee and the L-29 levee, facilitating sheetflow through the western portion of WCA-3B into NESRS. Alternative 10, with its more centrally located bridge, would provide the most direct routing for these future flows, and, we are hopeful, would reduce potential flooding impacts to WCA-3B.

According to the ENP Report, the average ground elevation at the central 4-mile bridge location is somewhat lower than it is at the east 4-mile bridge location. Culvert flow data during the peak of the 1947 flood were used to demonstrate that 51% of the flows across the Tamiami Trail occurred at the central location, while only 37% of the flows occurred at the eastern location. Information compiled by the COE using recent USGS survey data for ground surface elevations in NESRS 1,000 feet south of the Tamiami Trail confirms the more general ground elevation information contained in the ENP Report. A graphical presentation of this survey data depicts two "deep" sloughs at ground surface elevations less than 6.0 feet NGVD at both the east 4-mile bridge location and the west 4-mile bridge location (Figure 1). The ENP Report likewise analyzes historic photographs from 1917 in the project area and determines that a greater number of "deep" sloughs historically occurred at the central location than at the eastern location. We believe that further benefits could be accrued by placing additional box culverts at historic slough locations, particularly in the deep centrally located slough at Frog City.

The east 4-mile bridge could lead to greater impacts to the Tamiami East and Tamiami West rookery sites located immediately south of the roadway. Several listed species of wading birds, including the white ibis (*Eudocimus albus*), tricolored heron (*Egretta tricolor*), little blue heron (*Egretta caerulea*), and snowy egret (*Egretta thula*) (all state-listed as species of special concern), and the wood stork (*Mycteria americana*) (state- and federally listed as endangered) are known to nest in these colonies (T. Towles, FWC, personal observation, 1997). The FWS roadkill survey documented the mortality of wood storks and snowy egrets along the current roadway. An elevated bridge could lead to an increased risk of wading bird strikes by passing traffic, and reduce productivity through the visual disturbance created by traffic passing within the sight of canopy-nesting wading birds.

The Everglades mink (*Mustela vison evergladensis*) is listed as threatened by the FWC, and approaches the eastern limits of its distribution in the project area. The greatest number of historic Everglades mink roadkills documented for this portion of the Tamiami Trail was in the western portion of the project area, and specifically centered at the Blue Shanty Canal (Smith 1980). Consequently, the central location of Alternative 10, spanning the Blue Shanty Canal, may reduce the risk of Everglades mink road-related mortality to a greater extent than would the more easterly alignment of Alternative 11.

According to the RMA-2 analysis conducted by the COE, the central 4-mile bridge would result in fewer acres being negatively affected by relatively high flow velocities than would occur with the east 4-mile bridge. Using the COE's criterion of 0.1 ft/sec, an additional 187 acres of marsh would be affected by higher velocities in the central bridge alignment than in the eastern bridge alignment. No velocity estimates were calculated for Alternative 11 in the ENP Report.

Comparison of 2-mile west/1-mile east bridges (Alternative 14), a 3-mile central bridge (Alternatives 12), a 2-mile central bridge (Alternative 13), and a 3,000-foot bridge (Alternative 9)

Results of the Benefits Analysis demonstrated that the combined hydrologic and ecologic average annual lift of the 2-mile west/1-mile east alternative (28,371 habitat units [hu]) was slightly greater than the 3-mile central bridge alternative (27,973 hu), but the 2-mile central bridge alternative also demonstrated a considerable amount of lift (22,422 hu). All of these alternatives exceeded the performance of the 3,000-foot bridge (12,453 hu) by quite a margin. The 2-mile west/1-mile bridge design was shown to provide slightly greater hydrologic average lift (24,522 hu) than a single 3-mile bridge (23,998 hu). Improvements in hydrologic connectivity between the L-29 Canal and NESRS and in the distribution of flows from west to east along the Tamiami Trail in the 2-mile west/1-mile east bridges alternative were the primary contributors to this lift. The 2-mile west/1-mile east bridges alternative, with a connectivity value of 34%, offers greater connectivity than does a single central 3-mile bridge, with a value of 30%. As stated in the ENP Report, such enhanced connectivity may lead to improvements in micro-topography in the ridge and slough system in the long term by creating a larger area with open water or sparse vegetation. When water depths are shallow, such habitats are known to harbor greater fish densities and to be more productive foraging sites for wading birds (J.A. Surdick 1998). The creation of such habitat improvements at the eastern bridge location of

Alternative 14 may be of particular benefit to wading birds due to the two rookeries that would be situated at both the east and west ends of this bridge. The 2-mile west/1-mile east bridge alternative was also more effective in re-creating the normal east to west distribution of flows that would occur if the Tamiami Trail did not exist. This alternative matched 59% of the natural east to west distribution, whereas both the 3,000-foot bridge and the central 3-mile bridge matched 57% of the east to west distribution, and the single 2-mile bridge matched only 51% of this distribution. The redistribution of flows is important since it is a primary overarching objective of the MWD project.

We also learned from engineering staff of the South Florida Water Management District (SFWMD) that additional bridge capacity along the eastern reach of the L-29 canal may facilitate the transfer of greater quantities of water from WCA-3B into the L-29 canal and NESRS, which may help reduce the severity of extreme high water predicted to occur in eastern WCA-3B under the Combined Structural and Operational Plan. Flows from the L-29 canal under a 1-mile bridge into the three relatively deep sloughs in the east during dry conditions would also provide for a more uniform and gradual recession rate and reduce unnatural dry downs, possibly enhancing wading bird nesting success. There may also be a greater capacity in the eastern than in the western portion of NESRS for receiving flows due to the greater amount of subsidence that has occurred in the east since 1946 (from 2 to 3 feet) than in the west (none to 2 feet) (Scheidt et al. 2000). Such physical and hydrological characteristics that act to increase the conveyance of flows from the L-29 canal to the south, and augment the capacity of the L-29 canal to receive flows from WCA-3, would be considered as beneficial to Everglades habitat in both WCA-3 and in NESRS.

Both the 2-mile west/1-mile east bridge and the central 3-mile bridge alternatives would result in a reduction of present road-related wildlife mortality by approximately 29% compared to 19% for the central 2-mile bridge, and only 5% reduction by the 3,000-foot alternative. If additional box culverts in these alternatives are strategically placed, further reductions in wildlife mortality could be realized. Based on the two miles of transects on the Tamiami Trail roadway surveyed in the FWS Tamiami Trail road-kill survey, there was an average of 262 road-kills/mile/year. An extrapolation of this data to a three-mile bridge alternative may reduce the risk of wildlife related mortality by more than five-fold, resulting in 635 fewer road-killed animals per year than would occur with the 3,000-foot bridge alternative. The 2-mile bridge alternative may reduce the risk of wildlife related mortality by more than three-fold, resulting in 374 fewer road-killed animals per year than would occur with the 3,000-foot bridge alternative. For more details of our suggestions for reducing road-related mortality, please refer to our previous letter dated June 24, 2003.

The 2-mile west/1-mile east bridges, central 3-mile bridge, and central 2-mile bridge alternatives would not be expected to have any adverse effects on the two Tamiami Trail wading bird rookeries. The 2-mile west/1-mile east bridge alternative avoids potential impacts by locating the eastern 1-mile bridge in between the two wading bird rookeries. The increased flows and hydroperiods to be expected by this bridge alignment may improve foraging habitat for wading birds nesting in these colonies.

The greatest number of historic Everglades mink road-kills documented for the eastern portion of the Tamiami Trail was centered at the Blue Shanty Canal (Smith 1980). Since the western 2-mile bridge of Alternative 14 spans the Blue Shanty Canal, the risk of Everglades mink road-related mortality may be reduced. The reconnection of the linear and natural "upland" and aquatic features associated with the Blue Shanty may also facilitate safe passage for other terrestrial and aquatic wildlife that utilize the Blue Shanty as a travel corridor.

Information contained in the COE's Benefits Analysis determined that the RMA-2 modeling results predicted that 295 acres of marsh would be negatively affected by velocities > 0.1 ft/s under the 2-mile west/1-mile east alternative, compared to 411 acres affected by the 3,000-foot bridge alternative. The 3-mile and 2-mile bridge alternatives would affect somewhat fewer acres than the 2-mile west/1-mile east bridge. Since the ecological significance of these higher velocities is difficult to define and the acreage affected is relatively minor considering the larger benefits to be derived through lengthening inundation periods over much of NESRS, these relatively minor effects would be acceptable for any of the alternatives presently being considered.

Although the implementation of a 2-mile west/1-mile east bridge alternative would not provide as many benefits as a 4-mile bridge, it is believed to offer a sufficient amount of compatibility between MWD and future restoration under the Decomp project, and would reduce the amount of retrofitting needed for the Tamiami Trail under Decomp. We also understand that the central 3-mile bridge and 2-mile west/1-mile east bridge alternatives, as it now stands, both exceed the cost limitations for the project. In the event that construction costs further limit the length of bridge than can be built, we believe that the results obtained from the Benefits Analysis would support as a minimum either the 1.3-mile west/ 0.7-mile east bridge alternative or the 2-mile central bridge alternative as being adequate to convey and distribute MWD flows to ENP. We furthermore believe that the additional benefits identified in the split bridge alternatives warrant maintaining this design and that at least one-third of the total bridge length should be apportioned to the east portion of NESRS. This ratio would improve the redistribution of flows to the full breadth of NESRS, and would improve connectivity between the L-29 canal and ENP to a greater extent than would be afforded by a single bridge span.

Recreation concerns

Those concerns that were previously addressed pertaining to potential impacts to FWC recreational facilities and access points under Alternatives 1 through 8 (see attached June 24, 2003 preliminary FWCAR) remain. The only public recreational access that is anticipated to be lost under either Alternatives 12 or 14 would be the permanent loss of access to three miles of the south side of the L-29 canal and to culvert outfall sites on the south side of the Tamiami Trail for bank anglers. It is assumed that there would also be a temporary loss of access to the south bank of the remaining seven miles of the roadway during the construction period. Perhaps the reduced access to the south bank of the L-29 canal could be compensated for by providing scenic view pull-offs on the two bridges that could also serve as fishing platforms. The increase in connectivity between the L-29 canal and ENP marshes under either three-mile bridge alternative may enhance the recreational fishery value of the L-29 canal to a greater extent than would the

connectivity created by a 3,000-foot bridge. We further understand that Alternatives 12 and 14 would not affect vehicular access to the L-29 Levee or boat access to the L-29 canal.

Other related issues

We understand that water quality treatment for the roadway will probably not be required at this time since the impervious surface of the highway is not expected to significantly increase. On the other hand, we understand that an expensive water quality treatment system is being incorporated into the construction design for the bridge spans. We would support best management practices, such as using stormceptors or similar technologies for improving water quality of stormwater being discharged while minimizing wetland impacts. We encourage further investigation into cost effective treatment technologies for reducing bridge stormwater runoff, so that the bridge lengths and associated ecological benefits can be maximized.

We recognize that some private property issues related to increasing flood stages and possibly to rights of ways south of the Tamiami Trail are under resolution at the present time. We hope that these issues can be satisfactorily resolved such that the ecological benefits of project implementation can be realized in a timely manner.

Concerns and Recommendations

The stated authority limitations of the COE and the financial limitations of ENP will likely preclude them from implementing the more ecologically preferred alternatives, such as Alternatives 10 or 17 for the Tamiami Trail portion of the MWD project. Therefore, Alternative 14, or a derivative thereof, would appear to be the most reasonable interim alternative to implement prior to the approval of a more permanent solution under CERP. In our preliminary FWCAR for the GRR, dated June 24, 2003, we had previously agreed that a 3,000-foot bridge length would suffice due to fiscal constraints at that time. Should budget shortfalls for this project occur, we would continue to support the construction of one or more bridges intermediate in combined length between two and three miles, in order to avoid any further delays in completing the Tamiami Trail, and ultimately the MWD project. In summary, we offer the following recommendations concerning the alternatives under consideration.

1. We continue to support the idea of selecting an alternative that would be as compatible as possible with the upcoming CERP Decomp project, and reduce costly retrofitting of the Tamiami Trail in the future. Contingent on funding commitments from the Department of the Interior, we believe that Alternative 14 best addresses this compatibility.

2. Of the two most promising alternatives now being considered for this project, Alternative 14 would appear to offer the most benefits for fish and wildlife resources while avoiding potential impacts. This alternative would reduce the risk of wildlife mortality at the Blue Shanty Canal, particularly that of the threatened Everglades mink, since this canal would

bridge. This alternative would also avoid possible impacts to two important wading bird bridge between them.

3. Although Alternative 14 is expected to eliminate three miles of bank access along the south bank of the L-29 canal and cause a temporary loss of access to the remainder of the south bank during construction, we consider these impacts to be minimal when compared to some other alternatives. However, special attention will need to be given to the siting of construction staging areas so that access is not blocked to the three boat ramps and parking facilities associated with the popular Recreation Site No. 4, the boat ramp and parking facility at Recreation Site No. 1, or to the boat ramp facility located west of the S-12D structure.

4. Wading bird and snail kite nesting patterns, as well as Everglades mink territories, may vary with the prevailing hydrological conditions, during the multiple years that construction will likely be occurring. Therefore, surveys should be conducted by qualified biologists on an annual basis over the period of active construction to determine whether any mink territories or nesting efforts of state- and federally protected bird species would potentially be affected.

If you or your staff would like to coordinate further on the recommendations contained in this report, please contact me at 850-488-6661, or email me at maryann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If your staff has any specific questions regarding our comments, I encourage them to contact Dr. Joseph Walsh at our office in Vero Beach (772-778-5094; email joe.walsh@MyFWC.com).

Sincerely,

Mary Ann Poole

Mary Ann Poole, Director
Office of Policy and Stakeholder Coord.

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ENV 1-3-2
Enclosures (2)
a:\Tam_Trail_Prel_CAR_Revised GRR-08_05-V#3DTT
CC: Mr. Jay Slack, USFWS, Vero Beach
Mr. Dan Kimball, ENP, Homestead
Ms. Tambour Eller, COE, Jacksonville
Mr. Chuck Collins, FWC, West Palm Beach
Mr. Larry Gerry, SFWMD, West Palm Beach

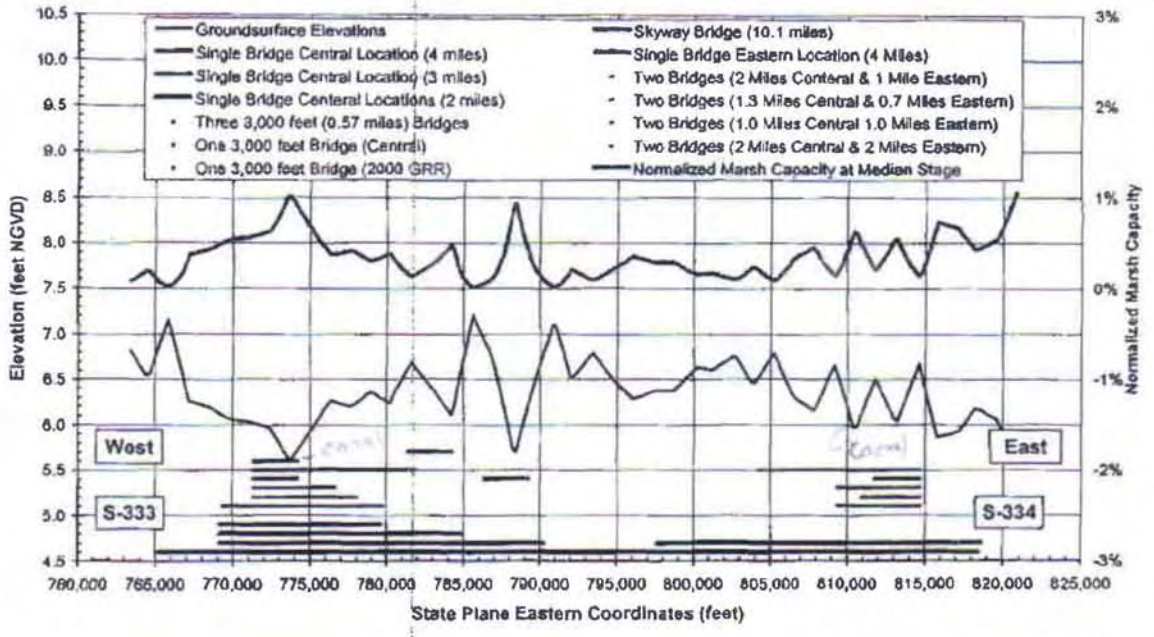

FIGURE 1
Proposed Bridge Locations and Normalized Marsh Capacity at the Median Stage of 7.5 feet NGVD

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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March 17, 2004

Mr. James C. Duck
Chief, Planning Division
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: Tamiami Trail Final General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Mr. Duck:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the referenced document, and provides the following comments.

This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5-square-mile-area residential development along the eastern side of Northeast Shark River Slough (NESRS); conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B, and NESRS; and an overall operational plan for the newly constructed water control structures. Many of our comments and concerns on the Tamiami Trail Feature have previously been conveyed directly to the Army Corps of Engineers (COE) via a preliminary Coordination Act Report (attached) dated June 24, 2003, and through a Planning Aid Letter (attached) dated February 23, 2001, and through the Florida State Clearinghouse in a letter to Ms. Jasmin Raffington dated January 16, 2002 (attached). Our comments in this letter focus on the status of a real estate agreement between the COE and the Florida Department of Transportation (FDOT), timely integration with the Decompartmentalizaion and Sheetflow Enhancement project (Decomp), and proper sequencing of the various Mod Waters project components.

First of all, we understand that the COE is still seeking a real estate agreement with the FDOT on the potential maintenance of the Tamiami Trail in lieu of raising the entire road profile. In our letter to Ms. Jasmin Raffington dated January 16, 2002, we had previously requested that an agreement be formalized and made available for public review prior to the release of this final GRR/SEIS. It is stated in the GRR/SEIS that such an agreement will be finalized with FDOT during development of the construction Plans and Specifications for the final approved plan under Mod Waters, and that this timeframe should coincide with the final decision on a plan for Tamiami Trail under the Comprehensive Everglades Restoration Plan (CERP). To accommodate this integration, the Decomp project was split into two separate project implementation reports (PIR), one of which would focus solely on the necessary modifications to the Tamiami Trail in order to pass the additional CERP flows. According to the COE's current Master Program Implementation Schedule, it now appears that a separate PIR for the Tamiami

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Trail will not be developed. We also understand that delays in the development of the Decomp PIR are anticipated due to budget shortfalls. Consequently, we are concerned that these factors may result in a lack of integration of the two Tamiami Trail projects, and could result in costly retrofitting of the roadway under Decomp if the entire road profile were to be raised under Mod Waters.

Another area of concern is the sequencing of the Seepage and Conveyance, the 8.5-square-mile-area, and the Combined Structural Operational Plan (CSOP) components with the Tamiami Trail component of Mod Waters. The completion date for the Seepage and Conveyance component, which includes the construction of passive weir structures across the L-67 and L-29 levees, is now scheduled for June 2006. However, the Tamiami Trail component is not scheduled to be complete until 2007. We are concerned about the potential for ecological damage to WCA-3B and further delay in benefits to NESRS, if the Tamiami Trail is not capable of passing the augmented flows by the time these other conveyance features area in place.

We are encouraged that the COE has concurred with us on the placement of the 3,000-foot bridge immediately east of the Blue Shanty Canal. Please refer to our previous comments on the Draft GRR/SEIS in our letter to Ms. Jasmin Raffington, dated January 16, 2002, for a more detailed discussion of our concerns on wildlife passage beneath the bridge, the need for annual surveys of state-listed wildlife species prior to construction activities, and the need for an accurate accounting of impacts to recreational access along the Tamiami Trail.

In conclusion, we support the final recommended plan (7a) with the understanding that 1) a real estate agreement between the COE and FDOT will be formalized as soon as possible to avoid unnecessary delays in implementation of the CSOP and to avoid costly retrofitting during implementation of the Comprehensive Everglades Restoration Plan, 2) appropriate surveys will be conducted for state-listed wildlife species prior to construction, and 3) all potential recreational access impacts are fully addressed.

Sincerely,

Brian Barnett

Brian S. Barnett, Interim Director
Office of Environmental Services

bsb/dtt
ENV 2-16/4
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Enclosures
cc: Environmental Branch, COE, Jacksonville
Mr. Jay Slack, USFWS, Vero Beach
Mr. Dan Kimball, Acting Superintendent, ENP, Homestead
Regional Director, FWC, West Palm Beach

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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June 24, 2003

Colonel James G. May
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: General Reevaluation Report/ Supplemental Environmental Impact Statement (GRR/SEIS) for the Tamiami Trail, Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Colonel May:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the revised preliminary draft GRR/SEIS for the Tamiami Trail Project of Modified Water Deliveries to Everglades National Park ("Mod Waters"), dated June 2001. This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5-square-mile area residential development along the eastern side of Northeast Shark River Slough (NESRS); conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B, and NESRS; and an overall operational plan for the newly constructed water control structures. This report is being submitted following a hiatus in activity on the Tamiami Trail Project due to a legal challenge to the 8.5-square-mile flood protection project, which has since been satisfactorily resolved. Our comments and concerns on the Tamiami Trail Project component are included in the following preliminary Coordination Act Report (CAR), which is being submitted under the authority of the Fish and Wildlife Coordination Act of 1958.

Description of Alternatives

This GRR/SEIS is being developed because new information acquired since the project was approved in 1992 indicates that the original design would be insufficient to pass the volume of water that would need to be conveyed under the Tamiami Trail via Mod Waters. In addition to the six basic alternatives (nine, if water quality treatment options are considered separately) previously addressed in our Planning Aid Letter (PAL), dated February 23, 2001, two completely

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new alternatives (seven and eight) have been developed, a modification of Alternative 5 (5C) has been added, and Alternative 6 has now been formally accepted. Also, a new bridge alternative, "Alternative 9 ", with a 2.7-mile span length, intermediate between that of Alternatives 6 and 7, is being floated by the Department of the Interior as a possible compromise. Since we have previously been informed by your staff that any alternatives with bridge expanses much longer than what is deemed necessary to convey Mod Water flows are considered to be outside of your authority for this project, we have opted not to discuss the tentative "9a" and "9b" alternative options any further. For a short description of these 18 alternatives and their associated options, please refer to Table 1. Our three major areas of concern with regard to the potential impacts of this project remain as follows: (1) impacts to existing recreational facilities and access points of the Francis S. Taylor Wildlife Management Area (WCA-3B), (2) impacts to fish and wildlife resources, and (3) potential loss of Everglades marsh.

Impacts to Existing Recreational Facilities and Access Points

Those concerns that were previously addressed pertaining to potential impacts to FWC recreational facilities and access points under Alternatives 1 through 5 remain (please refer to our previous PAL [attached] dated February 23, 2001 and to our Florida State Clearinghouse letter to Ms. Jasmin Raffington dated January 16, 2002), and also apply to the three new alternatives (Alternatives 6, 7, and 8) added in this document. Since the PAL, we have learned of an additional boat ramp, and also now provide supplementary information on the identification numbers of FWC boat ramps within or adjacent to the project area. We know of three boat ramps in the project area that provide access to the marsh of Francis S. Taylor Wildlife Management Area (FSTWMA). The westernmost ramp (#135) is located immediately east of the S-333 structure on the L-29 Levee and has unimproved parking capable of accommodating about ten vehicles. A popular marsh access ramp owned by the South Florida Water Management District is located on the L-29 Levee at Recreation Site No. 1, immediately south of the S-334 structure, and has unimproved parking. A third concrete boat ramp of unknown origin, previously unidentified, is located in a swale on the L-29 Levee opposite the Airboat Association of Florida. Of the three FWC maintained boat ramps that provide access to the canal system within the project area, two are located at Recreation Site No. 4. One of these (#96), immediately north of the S-333 structure, provides access to the popular L-67A canal, while the other boat ramp (#161), at the juncture of the L-67A and L-67C levees, provides access both to the L-67C canal and to the marsh in the "pocket" of WCA-3B. The remaining boat ramp (#153), located at Recreation Site No.2, is the sole access point for the eastern 11-mile stretch of the L-29 Canal.

A cursory look at the recreational fishing pressure along much of the 11-mile stretch of the L-29 Canal that is being examined under this project suggests that use may be relatively low, except near the S-334 and S-333 structures (FWC, unpublished data). However, changes that are soon anticipated to occur with implementation of the conveyance features of the Mod Waters Project, as well as certain features of the Comprehensive Everglades Restoration Plan (CERP),

are likely to improve hydrological connections between the L-29 Canal and the marsh interface, as well as prolong adjacent marsh hydroperiods both to the north and to the south of the L-29 Canal. Consequently, such predicted hydrological changes combined with the addition of new water management structures (bridges, culverts, weirs, etc.) are likely to lead to an increase in local sport fish populations, followed by an increase in recreational fishing demand and concomitant changes in angler distribution patterns along this eastern stretch of the Tamiami Trail. It should be noted that prior to the construction of the L-67 and L-29 levees, this section of the Tamiami Canal (precursor to the L-29 Canal) was one of the premiere fishing areas in the Everglades. Creel surveys conducted during a study in 1960 (Game and Fresh Water Fish Commission [GFC], unpublished report) revealed that the first four miles of the Tamiami Canal west of the L-30 canal received an exceptional amount of use, and that the 11-mile stretch west of the L-30 canal received considerably more fishing pressure than the 9 miles of the Tamiami Canal west of the present-day L-67 Canal. The imminent decline of this great fishery, effected through a separation of the Tamiami Canal from the marsh with the completion of the L-29 Levee, was predicted in the aforementioned GFC report.

Besides recreational access for sport fishing purposes, the airboat ramps provide access to the natural resources of the Everglades marsh contained within the Francis S. Taylor Wildlife Management Area. Recreational frogging, airboating, and seasonal hunting are the primary activities pursued here. Recreational use of these access points may be relatively high during short hunting seasons, particularly when game population levels allow a liberal harvest. For instance, there were 140 airboat permits issued for an approximately 3-week deer season in the FSTWMA in 1984, and 156 permits issued the following year. Although deer population levels in WCA-3B are anticipated to decline under the projected deeper water regime that will occur with the implementation of Mod Waters and CERP, overall recreational use of the area for frogging, general airboating, duck hunting, and fishing is expected to increase. The potential impacts associated with each group of alternatives are listed as follows.

Alternatives 2a, 2b to 2b6, 4a, and 4b to 4b6. This document describes creative water quality treatment options b1 to b3 of Alternatives 2 and 4 as encroaching into the L-29 Canal. We understand from statements made by your staff that it will be necessary to maintain the water supply conveyance capacity of the L-29 Canal for some undefined period of time, which would necessitate maintaining deeper water conditions in this section of the canal. Nevertheless, the above-mentioned water quality treatment options would encroach into the south portion of the L-29 Canal and require widening of the canal to the north. This option would essentially eliminate any existing littoral zone on the south bank of the canal and would result in the loss of boat ramp #153 and impact Recreation Site No. 2 located on the north bank of the L-29 Canal. In the event that a boat ramp is impacted, the Army Corps of Engineers (COE) would be responsible for building a replacement ramp at a new location to be selected by the FWC.

Alternatives 3a and 3b. A reduction in available parking space for recreational users on the north side of the L-29 Canal would negatively impact recreational access to the canal.

Recreation Site No. 2 would probably be negatively affected or eliminated by this northerly road alignment.

Alternatives 5a, 5b, and 5c. The effects of the new subalternative 5c are essentially the same as for Alternatives 5a and 5b, in that recreational access to all sites on the north bank of the L-29 Canal will not be affected. However, the entire south bank of the L-29 Canal would be inaccessible during the 4-year construction period. Following completion of the bridge, only culvert outfalls located within the first mile on the east end and within the last one-half mile on the west end of the project would potentially be available for angler use. This loss of access to the south bank of the L-29 Canal from the Tamiami Trail could possibly be ameliorated by the provision of some degree of fishing access from the elevated bridge span.

Alternatives 6a and 6b. Although approximately 4 miles of the southern bank of the L-29 Canal would be unavailable to bank anglers, the remaining 6 miles should still be accessible, as well as the entire northern canal bank. However, the employment of creative water quality treatment options 6b1 to 6b3 could potentially impact the L-29 Canal, as described previously under Alternatives 2 and 4. As in Alternative 5, less opportunity would be lost if fishing access were possible from the bridge span. The feasibility of providing limited fishing access from designated portions of such extensive bridge spans should be explored as a means of reducing public fishing access losses. All existing boat ramps would remain accessible under this alternative. Culvert outfalls south of the roadway would not be accessible during highway construction (18-24 months) in Alternative 6a, and would be plugged under Alternative 6b. The addition of eight box culverts at designated low points in Alternatives 6a and 6b may provide additional angler opportunities.

Alternatives 7a and 7b. Recreational access to all boat ramps and the north bank of the L-29 Canal would remain intact, while fishing access to the south bank of the canal would be blocked during the 2-year construction period. Most of the culvert outfall structures would be accessible during and after construction in Alternative 7a, but all would be filled and eliminated in Alternative 7b. Although the preliminarily selected preferred alternative is Alternative 7a, the decision as to whether additional water quality treatment will be required has not yet been officially decided. Should Alternative 7b be selected, it is not known how the channeling of all water outflows through the single 3,000-foot gap will affect the L-29 Canal fishery. Also, special attention would need to be given to the siting of construction staging areas so that access is not blocked to the three boat ramps and parking facilities associated with the popular Recreation Site No. 4 that provides access to the L-67 canals and FSTWMA, or to the boat ramp facility (#90) located 200 yards west of the S-12D structure.

Alternatives 8a and 8b. Alternative 8a should not impact existing recreation access sites, and could provide new fishing opportunities at the 24 additional box culverts, particularly

if the culvert outfalls are scalloped out to improve the passage of water into northeast Shark River Slough. Alternative 8b would require filling the existing culverts, and could result in a loss of fishing opportunities unless the 40 new box culverts are constructed in a way that creates shallow collection basins at the outfalls.

Impacts to Fish and Wildlife Resources

Of particular concern are the impacts that an alternative could have on state-listed species of wildlife or important habitat components. There are three historic wading bird rookeries containing species listed by the state as endangered or species of special concern, recent records of endangered snail kite nests in southern WCA-3B, a number of records of the threatened Everglades mink along the highway corridor, and a single documented occurrence of the endangered West Indian manatee in the L-29 Canal. In addition, other listed species such as the limpkin and roseate spoonbill (both listed as species of special concern) utilize marsh areas, and the least tern (threatened) forages in canal habitats that could be impacted under certain alternatives. The potential impacts that could occur are listed by alternative groups as follows.

Alternatives 1 and 2a. The temporary road for detouring traffic while proposed bridge #3 is under construction would encroach into the pond apple forest at the Tamiami West wading bird colony, on the south side of the Tamiami Trail, that provides nesting substrate for white ibis, tricolored herons, little blue herons, snowy egrets, and wood storks. Consequently, a portion of this forested area would be eliminated as a nesting substrate for an unknown number of years. Any heavy construction activity that would be expected to occur within 600 meters of a known rookery location, including construction of the temporary road, should be conducted outside of the wading bird nesting season, which normally extends from early February to the onset of the rainy season.

Alternative 2b. This alternative encroaches to a greater extent (average of 51 feet) into the marsh south of the existing Tamiami Trail, with incursions of 5 to 6 additional feet at bridge approaches. Consequently, this alternative would have a greater permanent impact on the Tamiami East and Tamiami West wading bird colonies due to a greater permanent loss of nesting substrate as well as a decrease in the amount of buffer capacity available. The Everglades mink has been documented to use both natural and artificial upland areas for denning purposes; therefore, this alternative could potentially impact mink denning areas that may occur in either native upland areas or at the artificially created upland areas where the airboat concession and radio tower sites are located. Option 2b1, which shifts the alignment to the north, is only a slight improvement over Alternative 2b.

The 2b creative water quality treatment options of 2b2 to 2b6 (Table 1) result in much more modest incursions into the two Tamiami wading bird colonies; however options 2b2 and 2b3 would eliminate littoral zone elements on the south shore of the L-29 Canal, eliminate reptile oviposition and basking sites on the south shore of the canal, and could result in the entrapment of terrestrial animals attempting to cross the canal.

Alternatives 3a and 3b. Both of these alternatives and the various 3b options presented would result in the loss of a significant amount of high quality wildlife habitat. The woody vegetation supporting the Frog City wading bird colony, which has been documented to contain nesting tricolored and little blue herons (both species of special concern), would be either eliminated or severely impacted by the road alignment, which would encroach further into the marsh at this point in order to avoid the Tigertail Camp. This northerly diversion of the road around the Tigertail Camp would also impact a high quality tree island (WRAP score of 0.83) that may also have a special cultural value to the Tigertail family. The relocation of a high-speed highway to the north of the L-29 Levee would result in much greater wildlife mortality during high water episodes in WCA-3B than presently occurs. There could be dens of the Everglades mink in the L-29 Levee or on adjacent tree islands that are impacted, as well.

Alternatives 4a and 4b. Both of these alternatives would produce significant incursions into the Tamiami West and Tamiami East wading bird rookeries, as well as eliminate important swamp forest habitat along the remainder of the corridor. Although options 4b1-4b6 would reduce the amount of encroachment from Alternative 4b, they are only slightly better than Alternative 2b. The Everglades mink has been documented to use some of the man-made upland sites along this alignment for denning purposes, and could potentially be impacted by construction activity.

Alternatives 5a, 5b, and 5c. These alternatives are believed to be the most beneficial to wildlife, with little known impacts. These alternatives would leave important rookery vegetation intact on both sides of the Tamiami Trail and reduce potential impacts to mink denning areas. Road-related mortality of the Everglades mink, with at least 14 documented occurrences, would essentially be eliminated. However, the leaving in place of renovated sections of the old roadbed under Alternatives 5a and 5b could possibly provide suitable habitat for Everglades mink and oviposition sites for alligators and other egg-laying reptiles, as well as provide safe havens for terrestrial wildlife during high water periods.

Alternatives 6a and 6b. Alternative 6a would produce impacts to the two Tamiami rookeries as described for alternatives 1 and 2a, above. Alternative 6b and its various options would result in impacts to these rookeries and to the L-29 Canal identical to those

described under Alternative 2b, above. Road-related mortality of the Everglades mink and other wildlife would be eliminated at the four-mile bridge, and mink survival could be further enhanced by providing elevated wildlife crossing shelves under the east and west ends of the extended bridge. Mink denning areas could also be protected by avoiding the need to encroach upon the upland sites south of the existing road. Mink habitat could actually be improved by planting the abandoned upland sites south of the Trail with shrubs and trees so as to resemble native Everglades tree island communities.

Alternatives 7a and 7b. Alternative 7a would have negligible permanent impacts on the two Tamiami rookeries, but Alternative 7b would result in impacts as described above for Alternative 2b. However, we believe that greater ecological and wildlife benefits may be derived from these alternatives by a shift of the 3,000-foot bridge to the east of the Blue Shanty Canal. This would result in water discharges onto a land surface with a slightly lower average ground elevation and would be more centrally located in present day northeastern Shark River Slough. This location may likewise facilitate the safe passage of wildlife, especially if the bridge were equipped with a wildlife shelf.

Alternatives 8a and 8b. Alternative 8a would likewise have little effect on the two Tamiami rookeries, as long as new box culverts are not constructed at the rookery locations. Alternative 8b would produce impacts similar to those described for Alternative 2b. The additional box culverts under these alternatives, if placed at strategic locations, could improve the passage of aquatic and semiaquatic fauna across the roadway, especially if animal barriers were erected to deflect animals to the culvert crossings.

Potential loss of Everglades marsh and connectivity effects

In order to ascertain the potential impacts that each alternative iteration would pose to the functionality of wetlands, a multi-agency team was assembled to apply the Wetland Rapid Assessment Procedure (WRAP) to the various wetland plant communities in the Tamiami Trail corridor. The results of this assessment found that the functional value of wetland communities immediately north of the L-29 Levee in WCA-3B were of somewhat higher quality (average score of 0.74) than similar wetlands situated immediately south of the Tamiami Trail in the Everglades Expansion Area of Everglades National Park (average score of 0.62).

Alternatives 1, 2a, 2b to 2b6, 4a, and 4b to 4b6. The nine water quality treatment options of 4b through 4b6, 2b, and 2b1 were predicted to result in the loss of from 34 (2b1) to 64 (4b) wetland functional units in the Everglades Expansion Area, whereas Alternative 4a (without water quality treatment) was little better, with a predicted loss of 40 wetland functional units (Table 1). By comparison, Alternative 2a, using the existing

highway alignment and four new bridges, resulted in a relatively low loss of wetland function (10 units) at a substantially lower cost than the 2b2 to 2b6 water quality treatment options. Each of these alternatives physically connect the L-29 Canal to the marsh in Everglades National Park for only 2.5% of the entire project corridor length (i.e., create a 2.5% marsh-canal interface) by means of the four new bridges; however, creative water quality treatment options b1 to b3 of Alternatives 2, 4, and 6 would encroach into the L-29 Canal.

Alternatives 3a and 3b. The seven water quality treatment options of 3b through 3b6 presented for Alternative 3 were predicted to result in the loss of from 15 to 30 wetland functional units in WCA-3B, whereas Alternative 3a (without water quality treatment) was predicted to result in the loss of 19 functional units (Table 1). Although north-south connectivity for these alternatives is stated to be 10%, the primary purposes of the eight bridges that supposedly create this connectivity are to cross the L-29 Canal, and to span the two S-355 and three weir water conveyance structures on the L-29 Levee. Connectivity between the L-29 Canal and wetlands to the south would be no greater in Alternative 3 than under Alternatives 2 or 4, since no additional breaching of the Tamiami Trail is included under this alternative.

Alternatives 5a, 5b, and 5c. This suite of alternatives performs the best in that there is actually a net gain in functional units of wetlands (from 29 units in 5b to 45 units in 5c) compared to the base condition. Connectivity under Alternatives 5a (98%) and 5c (nearly 100%) are excellent, but if in situ water quality treatment is required (5b), connectivity would decrease markedly to 75% due to the need to leave sections of the old highway bed in place for dry retention. From a purely ecological perspective, without regard to cost or authority, Alternative 5 appears to exhibit the best overall performance.

Alternatives 6a and 6b. Alternative 6a would result in the loss of only 6.6 wetland functional units (< 10 acres) whereas Alternative 6b would result in significantly greater losses (22.8 functional units) due to the broad footprint necessary for water quality treatment. Alternative 6a is also estimated to result in about a 36% opening of the entire 10.7-mile length of the Tamiami Trail corridor, providing for a significant improvement in aquatic connectivity. Alternative 6b would provide a reduced level of connectivity (27%) due to the necessity to leave portions of the old Tamiami Trail for water quality treatment.

Alternatives 7a and 7b. Alternative 7a would result in a minimal loss of only 3.4 functional units (5 acres) of marsh. In contrast, the acreage demand for standard water quality treatment along 10 miles of roadway in Alternative 7b would result in wetland losses approaching 50 functional units (72 acres). Both of these alternatives would result in a 5% increase in the connectivity of the L-29 Canal to Everglades marshes in the south

near the western end of the project area. The ground elevation of the Everglades marsh at the western end of the project area appears to be slightly higher than at other locations to the east. If this is actually the case, the aquatic connectivity between the L-29 Canal and the marshes south of the Tamiami Trail would be severed sooner during low water conditions than would occur if such an opening were situated at a point east of the Blue Shanty Canal. Aquatic connectivity may even be reduced beyond current levels during periods of low water if Alternative 7b were selected, since the existing culverts would be filled in.

Alternatives 8a and 8b. Alternative 8a would likewise produce a minimal loss of only 3.5 wetland functional units, resembling Alternative 7a. However, wetland losses under Alternative 8b would be considerably greater (46.6 functional units). These alternatives rely on additional box culverts to convey Mod Waters flows, and would increase connectivity between the L-29 Canal and the marsh south of the roadway by a mere 0.4%. These alternatives are not compatible with the CERP concept of removing the Tamiami Trail as an impediment to flow by elevating portions of the roadway.

Features for reducing road-related wildlife mortality

In an effort to obtain some data that could be used for evaluating the need for highway features that could be employed to reduce road-related wildlife mortality, and that could be used as an aid in determining the placement of such features along the project corridor, biologists from the FWC, the U.S. Fish and Wildlife Service, and the COE conducted a preliminary survey of wildlife mortality along five miles of the Tamiami Trail corridor. Remains representing 411 individual animals were found during a walking survey of 3 miles of the Tamiami Trail on December 19-20, 2000 (Tables 2, 3, and 4) and of 2 miles on April 18, 2001 (Tables 5 and 6). During these single visit surveys, an average of 82 wildlife deaths were recorded per mile. If this same level of mortality is extrapolated for the entire 10.7 mile road corridor, the number of road-kill casualties observable on a given day would equal 880 individuals. However, since 60% of the survey length was surveyed during the coldest part of the year when reptile activity is at its lowest point, and since many carcasses are quickly scavenged from the road before they can be counted, we believe that the actual mortality would likely be several times greater than this. For example, during December, an average of 2 dead snakes and 1 alligator were documented per mile of highway; these numbers increased dramatically, following a marsh dry-down in April, to an average of 22 dead snakes and 7 alligators per mile. Recent data collected by FWS staff similarly suggests that there may be an increase in road-killed snakes during the autumn (Mike Abney, pers.comm.) An Arizona study (Kline and Swann 1998) attempting to quantify wildlife road mortality found that only 24% of road-killed animals recorded during all-night surveys were discovered on surveys the following day. Likewise, a daily walking survey of a section of central Florida secondary highway found that most road-killed snakes were present for only a

day or two, with few remains detectable for as long as two weeks (Kristin Wood, pers com.). During our study, aquatic turtles were the most commonly encountered taxa group, accounting for 66% of the total recorded mortality, followed by snakes (13%), birds (10%), mammals (5.5%), alligators (4.5%), and frogs (1%). A total of 21 species were identifiable from the remains, including 4 turtles, 7 snakes, the alligator, 4 birds, and 5 mammals. Due to the tendency for turtle shell fragments to persist for long periods of time along the road, their prevalence may have actually been less than suggested in our surveys. Aquatic or semiaquatic reptiles dominated the survey with only one terrestrial snake (*Elape guttata*) detected. Of the mammals found, only the river otter and the marsh rat were semiaquatic. The other road-killed mammals, requiring an upland habitat component, included the raccoon, the opossum, and the armadillo.

The construction of animal barriers along the Tamiami Trail corridor in between the bridges or culverts on both sides of the road could aid in reducing road-related wildlife mortality. Perhaps a barrier based on the design currently being used at Payne's Prairie State Preserve south of Gainesville, Florida would serve well here also. The review of an unpublished evaluation by Dick Franz (1996) on the effectiveness of different barrier heights ranging from one to four feet suggests that a 2-foot barrier would be sufficient for deterring all turtles, all small snakes and most large-bodied aquatic snakes, all ranid frogs, most alligators, and all rabbits. The addition of a six-inch overhang would further increase the effectiveness of this barrier. It would be difficult to exclude arboreal animals such as raccoons, opossums, treefrogs, and rat snakes, and potentially large alligators, even with the 4-foot barrier design. Furthermore, the 4-foot barriers would be a difficult obstacle for bank fishermen to traverse, especially if an over-hanging lip is present. The scenic vistas of the Everglades from the highway would likewise be greatly reduced by a 4-foot barrier. For these reasons, and the high cost ($124.24/ linear foot) associated with constructing the higher concrete barriers, we recommend that a 2-foot barrier height be considered in project design. Further cost reductions could be achieved by using alternate barrier materials such as a low field fence with aluminum flashing at the base.

Since most mammal mortality was documented in the first and last mile of the project corridor (Tables 3 and 4, Mike Abney pers. comm.), we believe that the use of wildlife underpasses and diversion fences to connect the L-30 to the L-31 Levee and the L-67A to the L-67 Extension Levee would help alleviate much of the mammalian mortality. A wildlife crossing at the L-30 Levee would be of most value since no crossing of the L-29 Canal currently exists here, and because the L-30 and L-31 levees must remain in place for flood protection. Neither would this location impede boat use of the L-29 Canal. A successful and economical design used on State Road 29 by the Florida Department of Transportation to allow safe passage for the Florida panther consists of a 50-foot concrete slab bridge placed in the highway alignment, providing a 24-foot-wide passageway with a clearance height of 8 feet. The diversion fences for channeling animals to the crossings should be of a small mesh design and extend for one-half mile on each side of the underpass. The only other section of road surveyed that exhibited a

trend of greater mammal mortality and where the greatest number of historic Everglades mink road-kills have been documented was the 1-mile section centered at the Blue Shanty Canal (Table 5). Consequently, if the western end of the bridge expanse were relocated to the vicinity of the Blue Shanty Canal, the installation of a bridge shelf there could create a safe passage corridor for large mammals (including the endangered Florida panther), medium-sized mammals and other wildlife that utilize this tree-lined agricultural canal that traverses the Tamiami Trail. A shelf width of 10 to 15 feet placed at an elevation slightly above the mean high water line would accommodate the larger animals as well as the small.

Furthermore, an improved highway design will most likely lead to faster driving speeds by motorists, which may necessitate strict enforcement of posted speed limits and stiff fines to insure that wildlife mortality does not increase.

Concerns and Recommendations

Given the stated authority limitations of the COE and the financial limitations of Everglades National Park to implement alternatives such as Alternative 5 or 6 for the Tamiami Trail portion of the Mod Waters project, Alternative 7a, or a derivative thereof, would appear to be the most reasonable interim alternative to implement prior to the approval of a more permanent solution under CERP. Although implementation of Alternative 7a will not entirely remedy all of the predrainage flow characteristics that existed prior to construction of the Tamiami Trail, it is anticipated to be capable of handling a shift in the bulk of Shark River flow volumes that will be channeled from the west side of the L-67 Levee to the east and into northeastern Shark River Slough.

Lacking in-house hydrological expertise, we must rely on the COE's modeling results, which indicate that a design high water level of 9.3 feet is sufficient for protecting the integrity of the Tamiami Trail road base, as the basis for our support of Alternative 7a. We note that the approved CERP conceptual plan, Alternative D-13R, as designed, is not expected to return the Everglades entirely to its historical flow regimes. The CERP plan may, in fact, need to be improved upon in order to reduce unnaturally high water levels and inundation periods that have been predicted under Alternative D-13R for WCA-3B. However, should any re-evaluation by the COE suggest that the design high water level of 9.3 feet would not be adequate to efficiently move flood water out of WCA-3B, then we would favor the adoption of a higher criterion to lessen the likelihood of deleterious flooding impacts upon the wildlife and vegetative communities of WCA-3B.

In summary, we offer the following recommendations concerning the alternatives under consideration, including possible improvements to Alternative 7a, the preliminary preferred alternative.

1 We support the idea of selecting an alternative that would be as compatible as possible with the upcoming CERP Decompartmentalization Project, and recommend that a real estate agreement between the COE and the Florida Department of Transportation for the Tamiami Trail be pursued in lieu of raising the profile of the roadway. We understand that such an agreement is expected to occur when the COE completes its design and specification plans for the project.

2. We understand that water quality treatment will probably not be required at this time since the impervious surface of the highway is not expected to significantly increase. Due to the potential for significant losses of high quality wetlands, impacts to important wildlife habitats, impacts to bank fishing, and possible incompatibility with CERP that would occur by including water quality treatment, we support the implementation of a water quality monitoring plan to ascertain whether treatment would be desirable in the future.

3. We are concerned about the potential reduction in public recreational access to the FSTWMA and fishing sites along the Tamiami Trail that could occur under Alternatives 3a, 3b, and the water quality treatment options b1 to b3 of Alternatives 2, 4, and 6, since such access is anticipated to decline as a result of restoration activities associated with both the Conveyance and Seepage component of Mod Waters and with the Decompartmentalization of WCA-3A Project of CERP. We are pleased to see at this time that, apart from a temporary lack of access to the south bank of the L-29 Canal during construction, Alternative 7a is expected to have minimal impacts on recreational use. However, special attention will need to be given to the siting of construction staging areas so that access is not blocked to the three boat ramps and parking facilities associated with the popular Recreation Site No. 4, the boat ramp and parking facility at Recreation Site No. 1, or to the boat ramp facility located west of the S-12D structure.

4. Of the viable alternatives being considered for this project, Alternative 7a would appear to have the least amount of impact on fish and wildlife resources. However, we believe that greater ecological and wildlife benefits may be derived from this alternative by a shift of the bridge from the proposed site one mile east of the L-67 Levee to a location east of the Blue Shanty Canal. If feasible, the placement of the western end of the bridge span, equipped with a wildlife crossing shelf beneath it, at a location immediately east of the Everglades Safari Airboat concession could aid in the reduction of wildlife mortality, particularly of the threatened Everglades mink.

5. Since wading bird and snail kite nesting patterns, as well as Everglades mink territories may vary with the prevailing hydrological conditions, surveys should be conducted on an annual basis by qualified biologists to determine whether any nesting efforts of state and federally protected bird species, or mink dens, would potentially be affected, prior to the commencement of construction activities. There is, in particular, a need for the COE to support a detailed study of the status and current distribution of the threatened Everglades mink along the Tamiami Trail corridor prior to the completion of the CERP Decompartmentalization Phase 1 project plan.

6. Alternatives 2b, 3a, 3b, 4a, 4b, 6b, 7b, and 8b produce an unacceptable amount of wetland functional loss, result in permanent impacts to wading bird rookeries, and have the potential to impact the threatened Everglades mink population; therefore, we recommend that they be removed from further consideration as ecologically viable alternatives.

7. Results from our preliminary wildlife mortality surveys and historical information suggest that there is a need for a more detailed wildlife mortality study on this portion of the Tamiami Trail prior to the completion of the Decompartmentalization Phase I project design plans. We are pleased that the COE is now supporting such a wildlife mortality study through the U.S. Fish and Wildlife Service, and hope that some nighttime surveys will be incorporated to document the potential effects of nocturnal or early morning scavengers on road-kill results.

8. Any reduction in recreational access or use of the Francis S. Taylor Wildlife Management Area that occurs in connection with this project would need to be compensated for on terms amenable to the FWC. We urge that the COE devise a program whereby the development of the recreational potential, adequate to meet anticipated public-use requirements, is more fully incorporated into project plans.

Sincerely,

Brian Barnett

Brian S. Barnett, Interim Director
Office of Environmental Services

BSB/DTT
ENV 2-16/4
a:\ModWat_TamTrail_FinCAR.doc
Enclosures

cc: Mr. Jay Slack, FWS, Vero Beach
Ms. Maureen Finnerty, ENP, Homestead
Ms. Tambour Ellis, COE, Jacksonville
Dr. Jon Moulding, COE, Jacksonville
Mr. Mark Robson, FWC, South Region

Literature Cited

Florida Game and Fresh Water Fish Commission. 1960. Recommended Program for Conservation Area 3. Vero Beach, Florida.

Kline, N.C. and D.E. Swann. 1998. Quantifying Wildlife Road Mortality in Saguaro National Park *in* Proceedings of the International Conference on Wildlife Ecology and Transportation FL-ER-69-98, Florida Department of Transportation, Tallahassee, Florida. 263 pp.

Table 1. Description of Alternatives being considered for the Tamiami Trail Project and their effects on wetland extent and function as determined by the Wetland Rapid Assessment Procedure.

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
1	Existing alignment and profile with 4 new bridges without water quality treatment	-1.6	-2.9
2a	Existing alignment with raised profile and 4 new bridges without water quality treatment	-11.8	-10.1
2b	Existing alignment with raised profile, 4 new bridges, with standard dry detention water quality treatment	-86.0	-37.5
2b Options	"Creative" water quality treatment options		
2b 1	Shift alignment to north and compress swale with wall elements/south side	-44.6	-33.6
2b 2	Shift alignment to north and compress swale with wall elements/north side	-8.0	-8.4
2b 3	Shift typical section north encroaching approximately 50 ft. into L-29 Canal	-8.0	-8.4
2b 4	Grass strips	-8.0	-8.4
2b 5	Exfiltration trenches with curb and gutter	-8.0	-8.4
2b 6	Exfiltration trenches with shoulder gutter	-7.9	-8.3
3a	New north alignment in WCA-3B with raised profile and 8 new bridges without water quality treatment	-14.3	-18.8
3b	New north alignment in WCA-3B with raised profile, 8 new bridges, and standard dry detention water quality treatment	-28.9	-30.2
3b Options	"Creative" water quality treatment options		
3b 1	Modified 2b 1 Option	-22.8	-25.4
3b 2	Modified 2b 2 Option	-10.6	-16.0
3b 3	Modified 2b 3 Option	-13.5	-18.2
3b 4	Grass strips	-9.6	-15.2
3b 5	Same as 2b 5	-10.3	-15.8
3b 6	Same as 2b 6	-10.4	-15.9

Alternative	Description	Acres Lost	Functional Units Lost (-) / Gained
4a	New south alignment with raised profile and 4 new bridges without water quality treatment	-68.4	-40.4
4b	New south alignment with raised profile, 4 new bridges, and standard dry detention water quality treatment	-103.9	-64.4
4b Options	"Creative" water quality treatment options		
4b 1	Modified 2b 1 Option	-62.6	-36.5
4b 3	Modified 2b 3 Option	-62.5	-36.5
4b 4	Grass strips	-61.3	-35.6
4b 5	Same as 2b 5	-62.6	-36.5
4b 6	Same as 2b 6	-62.5	-36.5
5a	Elevated roadway within existing right-of-way without water quality treatment	57.3	39.3
5b	Elevated roadway within existing right-of-way with water quality treatment	43.0	29.5
5c	Elevated roadway within existing right-of-way, without water quality treatment, with degradation of the existing highway embankment	65.9	45.3
6a	Existing alignment with raised profile, 4-mile bridge and 8 new box culverts without water quality treatment	-9.6	-6.6
6b	Same as alternative 6a with standard dry detention water quality treatment	-33.3	-22.8
6b Options	"Creative" water quality treatment options		
6b 1	Same as Option 2b 1 applied to remaining roadway	-30.4	-20.9
6b 2-6b 5	Same as Option 2b 2 - 2b 5 applied to remaining roadway	-4.8	-3.3

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
7a	Existing alignment with raised profile and 3000-foot bridge without water quality treatment	-5.0	-3.4
7b	Existing alignment with raised profile and 3000-foot bridge with standard dry detention water quality treatment	-72.4	-49.5
7b Options	"Creative" water quality treatment options		
7b 1	Same as Option 2b 1 applied to remaining roadway	-10.4	-7.2
7b 2	Same as Option 2b 2 applied to remaining roadway	-5.0	-3.4
7b 3	Same as Option 2b3 applied to remaining roadway	-10.4	-7.2
8a	Existing alignment with raised profile and 24 additional culverts without water quality treatment	-5.1	-3.5
8b	Existing alignment with raised profile and 40 additional culverts with standard dry detention water quality treatment	-68.0	-46.6
8b Options	"Creative" water quality treatment options		
8b 1& 8b3	Same as Options 2b1& 2b 3 applied to remaining roadway	-15.9	-7.5
8b2	Same as Option 2b2 applied to remaining roadway	-5.1	-3.5
" 9a"	Existing alignment with raised profile, 2.7-mile bridge and 8 new box culverts without water quality treatment	-2.8	-1.9
"9b"	Existing alignment with raised profile, 2.7-mile bridge and 8 new box culverts with standard dry detention water quality treatment	-39.1	-33.4

Table 2. Wildlife remains identified along Tamiami Trail, one-half mile on each side of Agricultural Canal at Coopertown, located four miles west of S-334 (December 19, 2000).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	16	12	28
Snakes	1	2	3
Frogs	1	1	2
Alligators	0	0	0
Birds	0	0	0
Mammals	0	1	1
Unidentified	1	4	5
SOUTH SIDE OF TAMIAMI TRAIL			
	East ½ mile	West ½ mile	Total
Turtles	4	6	10
Snakes	0	3	3
Frogs	0	0	0
Alligators	0	1	1
Birds	4	1	5
Mammals	0	0	0
Unidentified	2	1	3

TOTAL: 61

Table 3. Wildlife remains identified along one mile of Tamiami Trail beginning at the Flight 592 Memorial adjacent to the L-67 Canals and ending ½ mile east of Osceola Camp (December 20, 2000).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	11	7	18
Snakes	0	0	0
Frogs	0	0	0
Alligators	0	0	0
Birds	3	0	3
Mammals	0	1	1
Unidentified	0	0	0

Table 3. Continued

SOUTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	5	4	9
Snakes	0	0	0
Frogs	0	0	0
Alligators	1	1	2
Birds	1	0	1
Mammals	2	4	6
Unidentified	2	2	4

TOTAL: 44

Table 4. Wildlife remains identified on December 20, 2000 along one mile of Tamiami Trail beginning at the L-30 Canal extending one mile west and ending at a bank of culverts (Begin: UTM 550299 N; 2849310 E End: 548615 N; 2849297 E).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	38	20	58
Snakes	0	0	0
Frogs	0	0	0
Alligators	0	0	0
Birds	3	0	3
Mammals	3	0	3
Unidentified	0	1	1
SOUTH SIDE OF TAMIAMI TRAIL			
	East ½ mile	West ½ mile	Total
Turtles	18	4	22
Snakes	0	0	0
Frogs	0	0	0
Alligators	1	1	2
Birds	1	2	3
Mammals	2	1	3
Snakes	1	1	2

TOTAL: 97

Table 5. Wildlife remains identified by FWC on April 18, 2001, along one mile of Tamiami Trail (between culverts #44 to #46 at the Blue Shanty Canal [culvert #45]).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	18	3	21
Snakes	1	0	1
Frogs	0	0	0
Alligators	2	2	4
Birds	0	0	0
Mammals	0	1	1
Unidentified	1	1	2
SOUTH SIDE OF TAMIAMI TRAIL			
Turtles	19	12	31
Snakes	4	2	6
Frogs	0	0	0
Alligators	2	1	3
Birds	3	3	6
Mammals	1	5	6
Unidentified	1	0	1

TOTAL: 82

Table 6. Wildlife remains identified by FWC on April 18, 2001, along one mile of Tamiami Trail (between culverts #56 to #54 at the Tamiami West woodstork colony [culvert #55]).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	16	20	36
Snakes	5	3	8
Frogs	2	1	3
Alligators	1	2	3
Birds	4	6	10
Mammals	0	0	0
Unidentified	1	1	2
SOUTH SIDE OF TAMIAMI TRAIL			
Turtles	9	15	24
Snakes	23	7	30
Frogs	0	0	0
Alligators	2	2	4
Birds	4	3	7
Mammals	0	0	0
Unidentified	0	0	0

TOTAL: 127

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March 5, 2008

U. S. Army Corps of Engineers
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Re: Formal Comments
Tamiami Trail Modifications Limited Reevaluation Report

Dear LTG Strock and Ms. Burns:

On March 21, 2004, I provided comments on the proposed elevation of the Tamiami Trail purportedly promoted as a form of Everglades restoration. A copy of those comments is attached and re-submitted in response to your letters dated January 28, 2008 and February 6, 2008 regarding the Tamiami Trail Modifications Limited Reevaluation Report. These comments are still relevant.

The proposed elevation of the Tamiami Trail is more problematic now than when my original comment letter was submitted, based on the adverse impacts of mining documented during the Sierra Club's suit against your agency and the US Fish and Wildlife Service regarding permit issued to the 10 mining companies in Miami-Dade County. The report does not consider the direct, indirect and cumulative adverse impacts of the proposed project, any of which would result in more damage to, rather than restoration of, the Everglades.

Sincerely,

Sydney T. Bacchus, Ph. D.
Hydroecologist

Attachment
cc: Barbara Cintron

March 21, 2004

U S Army Corps of Engineers
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Re: Formal Comments
Final GRR/SEIS for the Tamiami Trail
General Reevaluation Report for Tamiami Trail Available for Public Review
http://planning saj.usace army.mil/envdocs/Miami-Dade/Tamiami_/index.html

Dear Chiefs,

These technical comments are being provided on behalf of Tom Warnke, Government and Media Liaison, Palm Beach County Chapter, Surfrider Foundation, Barbara Herrin, President, Wetlands Alert, Inc., and myself Because the profound adverse impacts that the proposed project referenced above, if funded and implemented, would have on coastal waters, Everglades and other wetlands, and on the Congressional Mandates, duties, directives, and goals of other federal, state, and local agencies throughout the United States, a copy of this letter is being forwarded to those relevant agencies Relevant federal agencies other than the U. S. Army Corps of Engineers (COE) that are being provided a copy of this letter include, but are not limited to: the U S. Environmental Protection Agency (EPA); the U. S. Department of Interior, Fish and Wildlife Service (FWS), the U. S Department of Commerce, National Oceanographic and Atmospheric Administration (NOAA); and the National Park Service (NPS) In several cases, the significant adverse impacts that would occur individually and cumulatively if the proposed projects referenced above were implemented would affect multiple programs within the same agency, such as NOAA's National Marine Fisheries Service (NMFS) and the Habitat Conservation Division (HCD).

On October 26, 2001, I forwarded to Col James G May of the Jacksonville office of your agency a copy of my formal comments regarding the scientific inadequacies of a Draft White Paper entitled "The Role of Water and Sediment Flows in the Ridge and Slough Landscape". Those comments have direct relevance to the proposed project referenced above. None of the inadequacies addressed in my 2001 comments were acknowledged or remedied in the proposed draft. Therefore, I am forwarding a second copy of these comments to you as an attached file. Please ensure that this and the other Attachments to this letter are included with this cover letter in the official agency File of Record for this project

Before addressing additional technical inadequacies of the document referenced above, please be advised that there were problems with several of the electronically-posted files that made it impossible to access that information on-line, as advertised Examples of the unavailable ("Missing") documents include the following. 5.7 "Evaluation of Alternatives", 5.7 1 "Environmental Effects of Alternatives", 5.7 2 "Summary of Environmental Impacts", 5 8 "Engineering Evaluation of Refined Alternatives", 5.9 "Comparison of Alternatives", 5.10 "Selection of the Recommended Plan", 5 11 "Evaluation of Principles and Guidelines Screening Criteria for the Recommended Plan" Despite the absence of those documents, it was apparent that the "Supplement EIS" was gravely deficient

Direct, Indirect, and Cumulative Impacts:

The Supplemental EIS failed to address even the most obvious direct, indirect and cumulative adverse impacts of the proposed project, or even to provide the basic information necessary for a "hard look" at the adverse impacts to from the proposed project. As one example, the quality of the water entering and leaving the Everglades is so contaminated with high levels of nutrients, pesticides, herbicides, and other harmful chemicals that discharges already have resulted in irreparable harm to Florida Bay and associated coastal areas on the southwest and southeast coasts of Florida. Those impacts are not addressed in the Supplemental EIS.

The adverse impacts of these discharges not only are resulting in the death and decline of coastal and marine life, but are promoting serious and debilitating disease in humans who come into contact with, or are in the vicinity of that water. Humans suffer the ill effects of neurotoxic aerosols released by harmful algal blooms, sealice associated with nutrient-loading of the coastal waters, and the rapidly-spreading "methicillin-resistant staphylococcus aureus" (MRSA).

As another example of the gross inadequacies of the Supplemental EIS, there was no information regarding the type or source of materials to be used for construction of the proposed bridges.

Would the bridges be made from recycled plastics, diverted from the waste stream? Unlikely.

The proposed bridges more likely would be made from raw products such as limerock, sand, and shell that originally formed the aquifer matrix that is being mined throughout the extent of the regional Floridan aquifer system. Those mining activities - like the permits your agency issued to the 10 corporations to mine the underlying structure of thousands of acres of Everglades wetlands, presently the being addressed in a federal court case - result in catastrophic adverse direct, indirect, and cumulative impacts to coastal resources and wetlands (including natural depressional wetlands in the southeastern US that your agency considers as "isolated").

The catastrophic adverse impacts associated with mining have been addressed in my numerous previous comment letters to your agency. The most relevant ones are listed under the Attachments, and are incorporated by reference, with the associated exhibits and attachments, as part of this comment letter.

Specific examples of the inadequate evaluations of these impacts can be seen in the following section of the Supplemental EIS. References to impacts on federally-listed species such as the Snail Kite and wood storks (e.g., Figures 5, 28, 29, and 30) clearly show that no impacts (indirect, cumulative) beyond the direct impact of the bridge footprint on these species was considered.

Appendix D and Section 5.0-Formulation of Alternative Plans (p. 201) illustrate the inability to produce a meaningful "Cost Analysis" if the most cost efficient and environmentally sound alternatives have been excluded from consideration. For example, the most cost effective and realistic (highest potential for successful) means of restoring the historic flow in the Everglades is to reduce/eliminate the mining of large volumes on ground water from the aquifer underlying the Everglades, as described more fully in my attached comments on the "Draft White Paper".

Sincerely,

Sydney T. Bacchus

Sydney T. Bacchus, Ph.D.
Hydroecologist

Attachments:

2001	
4/6/01	Bacchus comments - Jahna Sand Mine
4/18/01	Bacchus comments - Miami-Dade "Pit Belt"
8/8/01	Bacchus comments - Carabelle Mine

8/9/01	Bacchus comments - CFI/Hardee Co. Mine
10/26/01	Bacchus comments - inadequacies of "Draft White Paper" on Bridge Removal
12/21/01	Bacchus comments - Everglades Integrated Feasibility Report
2002	
7/15/02	Bacchus comments - White Springs Mine
7/16/02	Bacchus comments - White Springs Mine
8/14/02	Bacchus comments - White Springs Mine
11/27/02	Bacchus comments - IMC Ona Mine
2003	
5/8/03	Bacchus comments - White Springs Mine
6/10/03	Bacchus comments - White Springs Mine
6/15/03	Bacchus comments - White Springs Mine

cc: **Elected Officials**

Senator Bob Graham — Attn: Pat Grise and Kasey Gillette
Senator Bill Nelson — Attn: M. Bridget Walsh

Federal Agencies

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Vice Admiral Conrad C. Lautenbacher, Jr. — Conrad.C.Lautenbacher@noaa.gov
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U. S. Environmental Protection Agency
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March 6, 2008

VIA EMAIL and REGULAR MAIL

Ms. Barbara Cintron
U.S. Army Corps of Engineers
Planning Division, Environmental Branch
South Florida Section
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: U.S. Army Corps of Engineers, January 28 , 2008 Scoping Letter Regarding a Draft Environmental Assessment for the Tamiami Trail Modifications Limited Reevaluation Report (TTM LRR)

Dear Ms. Cintron:

Radio One, Inc. is in receipt of the U.S. Army Corps of Engineers ("Corps") letter dated February 6, 2008, regarding the above-referenced matter. Radio One owns an approximate 80-acre parcel of property within the area that may be affected upon which it operates 7 radio towers and one transmitter building. The towers broadcast to the Miami area on 1080 kHz (WVCG) pursuant to a FCC license and serve diverse segments of the community with programming that is not otherwise available in the area.[1]

Based on past correspondence with the Corps, it is our understanding that the Tamiami Trail Modification projects within the Everglades National Park may have an impact on the Radio One property, particularly due to flooding impacts. This could result in a significant impact to Radio One and we look forward to having further discussions with the Corps regarding any potential property impact. I have attached for your convenience Radio One's prior comments that it submitted on July 20, 2006.

Radio One appreciates the opportunity to comment, and trusts that its comments and concerns will be considered in the Draft Environmental Assessment. Radio One requests that it be kept on the mailing list for any further materials that are generated for this project. Finally, please keep us advised as to any public meetings scheduled for this project.

---

[1] The property previously was owned by AMFM Operating, Inc.

Please send all such mailings to my attention at the above address. You also should feel free to contact me if you have any questions regarding this correspondence.

Best Regards,

Todd Fracassi

TCF:cmm

cc: Thomas P. Wilczak
John Mathews (Radio One)

Pepper Hamilton LLP
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Todd Fracassi
313.393.7404
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July 20, 2006

VIA EMAIL and REGULAR MAIL

Ms. Barbara Cintron
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Notice of Intent to Prepare Real Estate Supplement and 3rd Supplemental Environmental Impact Statement ("EIS") on Tamiami Trail Modifications, Modified Water Deliveries to Everglades National Park

Dear Ms. Cintron:

Radio One, Inc. is in receipt of the U.S. Army Corps of Engineers ("Corps") letter dated June 19, 2006, regarding the above-referenced matter. Radio One owns an approximate 80-acre parcel of property within the area that may be affected upon which it operates 7 radio towers and one transmitter building. The towers broadcast to the Miami area on 1080 kHz (WVCG) pursuant to a FCC license and serve diverse segments of the community with programming that is not otherwise available in the area.[1]

Based on the Corps June 19, 2006 letter, it appears that the Corp may be proposing to acquire a portion of or the entire Radio One property for either right-of-way purposes or due to flooding impacts. This could result in a significant impact to Radio One and we look forward to having further discussions with the Corp regarding any potential property acquisition or taking. I have attached for your convenience Radio One's prior comments that it submitted on February 4, 2002 and October 11, 2005 .

Radio One appreciates the opportunity to comment, and trusts that its comments and concerns will be considered in the Real Estate Supplement and the 3rd Supplemental EIS. Radio One requests that it be kept on the mailing list for any further materials that are generated for this project. Finally, please keep us advised as to any public meetings scheduled for this project.

[1] The property previously was owned by AMFM Operating, Inc.

Please send all such mailings to my attention at the above address. You also should feel free to contact me if you have any questions regarding this correspondence.

Best Regards,

Todd Fracassi

TCF:erf

cc: Thomas P. Wilczak
John Mathews (Radio One)

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February 4, 2002

VIA FEDERAL EXPRESS (EMAIL TO MR. JON MOULDING)

Col. James G. May
US Army Corps of Engineers
400 West Bay Street
Jacksonville, FL 32202

Re: Central and Southern Florida Project, Tamiami Trail Feature – Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement ("Draft GRR/SEIS") on Modified Water Deliveries to Everglades National Park

Dear Mr. May:

This letter contains the public comments of Radio One, Inc. on the above-referenced Draft GRR/SEIS. Pursuant to a telephone conversation on February 1, 2002 with my legal assistant, Ellen Zapalski, Mr. Jon Moulding indicated that comments would be accepted via email to Mr. Moulding by the February 4, 2002 due date as long as it was mailed to you on the same day.

Radio One understands that the U.S. Army Corps of Engineers ("Corps") has evaluated nine alternative plans, including the no action alternative, to protect Tamiami Trail during high discharge conditions that could result in low portions of the highway being overtopped with water from modified water deliveries under various projects to restore the Everglades National Park. Each build alternative appears to involve increasing the cross-section of openings under the highway in order to minimize the rise in water level in the canal necessary to pass the required volume of water, and to spread the water flow to the south.

It is our understanding that the Corps has selected Alternative 7a as its Recommended Alternative to modify the existing Tamiami Trail embankment profile and typical roadway cross-section within the approximate 11 mile project limit. This includes reconstructing approximately 3,000 feet of the roadway as an elevated structure between Blue Shanty Canal and Coopertown.

Radio One is concerned that the Draft GRR/SEIS has failed to adequately consider the impacts associated with the project on its property. Radio One owns a parcel of approximately 80 acres within the area that may be affected upon which it operates 7 radio towers and one transmitter building. The towers broadcast to the Miami area on 1080 kHz (WVCG) pursuant to a FCC license and serve diverse segments of the community with programming that is not otherwise available in the area.[1]

Specifically, the Radio One property is located adjacent to and immediately south of Tamiami Trail (U.S. Hwy 41) in Section 8, T54S, R38E (N. Latitude: 25° 44' 53"; and W. Longitude: 80° 32' 47"), approximately four miles west of the L-31N Canal, and about five miles west of Krome Avenue (SR997). The towers and structures, which were constructed in 1980 are situated on fill pads and access from Tamiami Trail is provided along a filled road bed.

The pads and road bed were intentionally constructed above the 100 year flood level to insure access. As a result, Radio One has not had any problem with flooding or access that has adversely affected its operations. Radio One, however, is concerned that the project will create problems for Radio One's operations that were not adequately considered or addressed in the Draft GRR/SEIS.

Since the elevated structure, as we understand it, appears to be approximately one mile to the west of Radio One's property, it does not appear that access from Tamiami Trail to Radio One's property will be directly impacted by the elevated structure. It is our understanding, however, that the roadway profile along other portions of the highway will be raised. Consequently, Radio One is concerned about the potential impacts, and associated costs, that might result to continued access to its property. While the Draft GRR/SEIS indicates that access to businesses located along the Tamiami Trail will be provided during and after construction, it is not clear what businesses were considered, how such access would be provided, or the associated costs. If either the elevated structure or raised roadway profile does impact Radio One's access, it would look to the government for appropriate compensation necessary to continue to allow for access of Tamiami Trail.

Additionally, it appears that under Recommended Alternative 7A, Radio One's road bed would no longer be above the 100 year flood level. In fact, the increased water levels could limit access to the property even during minor storm events, thus adversely affecting Radio One's operations, and likely result in erosion damage to the road beds and tower pads, which could threaten the tower's structural integrity. This would result in increased maintenance and upkeep costs, and cause an environmental sedimentation impact upon the local ecosystem if the pads and road beds are eroded. Moreover, it may become necessary to access the towers via a motor boat, which in turn may result in environmental impacts that were not addressed in the

[1] The property previously was owned by AMFM Operating, Inc.

Draft GRR/SEIS. The increased water levels also could result in signal disruption or distortion interfering with Radio One's broadcast capabilities.

The Draft GRR/SEIS also does not provide adequate information regarding the hydraulic and hydrologic modeling that was conducted to evaluate the considered alternatives. Section 5.3.8 of the GRR/SEIS indicates that the "Corps modeled hydraulic conditions comparing water levels in the L-29 Canal adjacent to the road with and without improvements to the conveyance of water", however, this modeling data was not provided. In fact, the Draft GRR/SEIS does not identify the storm events considered, water flows, or water level elevations. Therefore, Radio One would request that its property be more thoroughly evaluated using the Corps modeled hydraulic conditions to better understand the ultimate effect on its property.

Furthermore, cumulative impacts of this project and other Everglade restoration projects, such as Cape Sable Seaside Sparrow are a concern. Impacts to access, as well as other impacts associated with raised water levels, need to be considered not only in light of this project, but also other projects already undertaken or to be undertaken that could result in impacts in this area.

As a result of this project, and other projects being undertaken in the Everglades, Radio One likely may incur significant costs to mitigate impacts to its business. These include, but are not limited to: (1) the potential need to re-build or raise the grade of the access road and the tower pads; (2) amend its FCC license or recognize loss of value of such license; and (3) possibly the need to reconfigure the signal from its tower or, in the worst case, relocate its towers altogether (assuming a suitable alternative location is even available).

Radio One believes that the Draft GRR/SEIS does not adequately consider these socio-economic, economic, environmental, and cumulative impacts or costs. If such adverse impacts are not planned for and mitigated with the project, Radio One's property interest likely may be significantly reduced, or completely taken in the worst case, as a result of the government's actions. In such case, Radio One will look to the government for appropriate compensation.

Radio One appreciates the opportunity to comment, and trusts that its comments and concerns will be considered and responded to in the draft final GRR/SEIS, with appropriate mitigating actions being included within the scope and costs of the project.

Radio One requests that it be kept on the mailing list for any further materials that are generated for the project or associated with the GRR/SEIS, including the response to these comments and the draft final GRR/SEIS. Radio One also requests to be placed on the mailing lists for any other projects that could have similar impacts on water levels in the vicinity of its property. Further, please keep us advised as to any public meetings scheduled for these projects.

Please send all such mailings to my attention at the above address. You also should feel free to contact me if you have any questions regarding this correspondence.

Very truly yours,

Thomas P. Wilczak

lmf
c:

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Gwen Nelson (USACE)
Linda Eckard Vilardo, Esq. (Radio One)
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October 11, 2005

VIA EMAIL & U.S. MAIL
ttmcomments@usace.army.mil

Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) For the Tamiami Trail Modifications

This letter contains the public comments of Radio One, Inc. ("Radio One") on the above-referenced Draft RGRR/SEIS.

Radio One understands that the U.S. Army Corps of Engineers ("Corps") has evaluated several alternative plans, including the no action alternative, to protect Tamiami Trail during high discharge conditions that could result in low portions of the highway being overtopped with water from modified water deliveries under various projects to restore the Everglades National Park. Each build alternative appears to involve increasing the cross-section of openings under the highway in order to minimize the rise in water level in the canal necessary to pass the required volume of water and to spread the water flow to the south.

Radio One is concerned that the Draft RGRR/SEIS has failed to adequately consider the impacts associated with the project on its property. Radio One owns a parcel of approximately 80 acres within the area that may be affected upon which it operates 7 radio towers and one transmitter building. The towers broadcast to the Miami area on 1080 kHz (WVCG) pursuant to a FCC license and serve diverse segments of the community with programming that is not otherwise available in the area.[1]

---

[1] The property previously was owned by AMFM Operating, Inc.

Specifically, the Radio One property is located adjacent to and immediately south of Tamiami Trail (U.S. Hwy 41) in Section 8, T54S, R38E (N. Latitude: 25° 44' 53"; and W. Longitude: 80° 32' 47"), approximately four miles west of the L-31N Canal, and about five miles west of Krome Avenue (SR997). The towers and structures, which were constructed in 1980 are situated on fill pads and access from Tamiami Trail is provided along a filled road bed.

The pads and road bed were intentionally constructed above the 100 year flood level to insure access. As a result, Radio One has not had any problem with flooding or access that has adversely affected its operations. Radio One, however, is concerned that the project will create problems for Radio One's operations that were not adequately considered or addressed in the Draft RGRR/SEIS.

It is Radio One's understanding that the roadway profile along portions of the highway will be raised either by fill or by the construction of bridge spans. Consequently, Radio One is concerned about the potential impacts, and associated costs, that might result to continued access to its property. While the Draft RGRR/SEIS indicates that access to businesses located along the Tamiami Trail will be provided during and after construction, it is not clear what businesses were considered, how such access would be provided, or the associated costs. If either the elevated structure or raised roadway profile does impact Radio One's access, it would look to the government for appropriate compensation necessary to continue to allow for access of Tamiami Trail.

Additionally, it is Radio One's understanding that under several of the recommendations, Radio One's road bed would no longer be above the 100 year flood level, and in fact, the increased water levels could limit access to the property even during minor storm events, thus adversely affecting Radio One's operations, and likely result in erosion damage to the road beds and tower pads, which could threaten the tower's structural integrity. This would result in increased maintenance and upkeep costs, and cause an environmental sedimentation impact upon the local ecosystem if the pads and road beds are eroded. Moreover, it may become necessary to access the towers via a motor boat, which in turn may result in environmental impacts that were not addressed in the Draft RGRR/SEIS. The increased water levels also could result in signal disruption or distortion interfering with Radio One's broadcast capabilities.

Radio One believes that the Draft RGRR/SEIS also does not provide adequate information regarding the hydraulic and hydrologic modeling that was conducted to evaluate the considered alternatives. The Draft RGRR/SEIS does not identify the storm events considered, water flows, or water level elevations. Therefore, Radio One would request that its property be more thoroughly evaluated using the Corps modeled hydraulic conditions to better understand the ultimate effect on its property.

Furthermore, cumulative impacts of this project and other Everglade restoration projects, such as Cape Sable Seaside Sparrow are a concern. Impacts to access, as well as other impacts associated with raised water levels, need to be considered not only in light of this project, but also other projects already undertaken or to be undertaken that could result in impacts in this area.

As a result of this project, and other projects being undertaken in the Everglades, Radio One likely may incur significant costs to mitigate impacts to its business. These include, but are not limited to: (1) the potential need to re-build or raise the grade of the access road and the tower pads; (2) amend its FCC license or recognize loss of value of such license; and (3) possibly the need to reconfigure the signal from its tower or, in the worst case, relocate its towers altogether (assuming a suitable alternative location is even available).

Radio One believes that the Draft RGRR/SEIS does not adequately consider these socio-economic, economic, environmental, and cumulative impacts or costs. If such adverse impacts are not planned for and mitigated with the project, Radio One's property interest likely may be significantly reduced, or completely taken in the worst case, as a result of the government's actions. In fact, if the property is completely taken and a suitable alternative location for the towers cannot be found, WVCG's business interest may be taken. In such case, Radio One will look to the government for appropriate compensation.

Radio One appreciates the opportunity to comment, and trusts that its comments and concerns will be considered and responded to in the draft final RGRR/SEIS, with appropriate mitigating actions being included within the scope and costs of the project.

Radio One requests that it be kept on the mailing list for any further materials that are generated for the project or associated with the RGRR/SEIS, including the response to these comments and the draft final RGRR/SEIS. Radio One also requests to be placed on the mailing lists for any other projects that could have similar impacts on water levels in the vicinity of its property. Further, please keep us advised as to any public meetings scheduled for these projects.

Please send all such mailings to my attention at the above address. You also should feel free to contact me if you have any questions regarding this correspondence.

Very truly yours,

Thomas P. Wilczak

Thomas P. Wilczak

lmf

c:

Jon Moulding (USACE)
Gwen Nelson (USACE)
John Jones (Radio One)
John Matthews (Radio One)

DT: #313014 v1 (6P$%01!.DOC) 113252-16

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

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Planning and Environmental Management
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Miami, Florida 33172-5800

STEPHANIE C. KOPELOUSOS
SECRETARY

March 7, 2008

Ms. Marie G. Burns
Acting Chief, Planning Division
Environmental Branch, South Florida Section
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

SUBJECT: **Modified Water Deliveries to Everglades National Park Project / Tamiami Trail Feature Limited Reevaluation Report (LRR) Scoping Notice**

Dear Ms. Burns:
We are in receipt of your scoping notice for the National Environmental Policy Act (NEPA) document , dated February 6, 2008 and offer the following comments:

- The proposed document should state that the Corps will design, permit and construct all modifications to Tamiami Trail necessary to accommodate the selected water elevation in the L29 canal.
- The NEPA document should cover both the impacts of the proposed bridge and the necessary work on the roadway to accommodate the selected water elevation in the L29 canal.
- Since there will likely be one-way traffic during construction, traffic impacts should be addressed.
- Since the Tamiami Trail is a National Register of Historic Places eligible resource, impacts to the roadway in that capacity should be addressed.

FDOT remains committed to continuing our coordination with the Corps on this important project as the various components of the Modified Waters Delivery Plan are advanced.

Sincerely,

Aileen Boucle, AICP
District Planning and Environmental Administrator

cc: Bob Crim, Florida Department of Transportation, Tallahassee
Alice Bravo, Florida Department f Transportation District VI
Paul Linton, South Florida Water Management District
Greg Knecht, Florida Department of Environmental Protection
Dan Kimball, Everglades National Park
Gerry O'Reilly, Interim District Secretary
Gwen Nelson, U.S. Army Corps of Engineers

Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 14, 2008

Ms. Barbara B. Cintron
Jacksonville District, Planning Division
U. S. Army Corps of Engineers
P. O. Box 4970
Jacksonville, FL 32232-0019

RE: Department of the Army, Jacksonville District Corps of Engineers – Scoping Notice Draft Environmental Assessment for the Tamiami Trail Modifications Limited Reevaluation Report (TTM LRR), Water Deliveries to Everglades National Park – Miami-Dade County, Florida.
SAI # FL200802053982C

Dear Ms. Cintron:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the subject scoping notice.

The Florida Department of Environmental Protection (DEP) supported the U.S. Army Corps of Engineers (USACE) Tentatively Selected Plan (Alternative 14) presented in the 2005 General Reevaluation Report (GRR) and has also been supportive in moving forward with maintenance/flow way equalization swales as part of the Tamiami Trail project. DEP staff suggests that the USACE consider including the pilot swale project within the TTM LRR, rather than evaluating the project under a separate NEPA document. Any differences between the eastern bridge that may be proposed in the LRR and the eastern bridge in Alternative 14 from the 2005 GRR should be clearly outlined in the draft Environmental Assessment. Staff also requests that the following items be included in both the draft Environmental Assessment and permit application:

- A summary of project benefits versus impacts.
- Discussion of potential impacts to water quality and water management during and following construction.
- Discussion of any proposed water quality or ecological monitoring.
- Discussion of any potential impacts to fish and wildlife resources in the water conservation areas or Everglades National Park, particularly listed species.

The Modified Waters Delivery project, which includes the Tamiami Trail Modifications, is a foundation project that should be fully implemented prior to moving forward with Comprehensive Everglades Restoration Plan (CERP) projects in the region. It is critical to the restoration of the greater Everglades, as future CERP projects that will further restore flow to the Park cannot move forward prior to completion of the Modified Waters Deliveries project. Staff recommends that the USACE, South Florida Water Management District (SFWMD) and DEP continue to communicate and work cooperatively to facilitate the goal of initiating construction in October 2008. Please see the enclosed memoranda and contact Ms. Stacey Feken at (850) 245-8421 for further details and assistance.

The Florida Fish and Wildlife Conservation Commission (FWC) notes that the current planning process is leaning strongly towards an alternative plan that would improve conveyance near the eastern end of the Tamiami Trail with the addition of a one-mile bridge, but no conveyance improvements are planned elsewhere along the 10.7-mile stretch of roadway. Serious consideration should be given to improving conveyance along other portions of the Trail as well. Based on recent modeling results and discussions with the SFWMD, staff recommends the use of strategically placed box culverts and downstream spreader swales to increase hydraulic and ecological connectivity. Though the FWC fully supports the ecological benefits expected from the proposed project and will continue to work closely with the USACE through the project's implementation, staff requests that the concerns and recommendations contained in the enclosed FWC letter and previous letters conveyed over the past eight years be addressed.

The Florida Department of Agriculture and Consumer Services (FDACS) has expressed concerns regarding the potential for negative impacts on the Homestead agricultural community. A rise in water elevations in Northeast Shark River Slough will result in the diversion of more seepage from the Park to south Miami-Dade County through the L-31N and C-111 canals unless this proposal includes a firm commitment to operate the S-356 pump station as recommended in the CSOP process. This diversion of unwanted seepage has been a significant problem for the last 20 years and the S-356 structure was authorized, designed and built specifically to address the problem. Unfortunately, the USACE has not been able to operate the pump, even though it was constructed years ago. In addition, the G-3273 constraint on operating S-333 must not be removed until all the permits needed to operate S-356 per the operational protocol proposed in the Combined Structural and Operational Plan (CSOP) are obtained and the USACE's Water Control Plan is updated to show the use of S-356. The FDACS appreciates the opportunity to provide scoping comments on the Draft Environmental Assessment for the TTM LRR, Water Deliveries to Everglades National Park. If you have questions regarding FDACS' comments, please contact Mr. Ray Scott at (850) 410-6714.

The Florida Department of Transportation (FDOT), District VI offers the following comments:

- The proposed document should state that the USACE will design, permit and construct all modifications to Tamiami Trail necessary to accommodate the selected water elevation in the L29 canal.
- The NEPA document should cover both the impacts of the proposed bridge and the necessary work on the roadway to accommodate the selected water elevation in the L29 canal.
- Since there will likely be one-way traffic during construction, traffic impacts should be addressed.
- Since the Tamiami Trail is a *National Register of Historic Places* eligible resource, impacts to the roadway in that capacity should be addressed.

The FDOT remains committed to continuing its coordination with the USACE on this important project as the various components of the Modified Waters Delivery Plan are advanced.

Based on the information contained in the scoping notice and the enclosed state agency comments, the state has determined that, at this stage, the proposed federal action is consistent with the Florida Coastal Management Program (FCMP). The concerns identified by our reviewing agencies must be addressed prior to project implementation. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. The state's final concurrence of the project's consistency with the FCMP will be determined during the environmental permitting stage.

Thank you for the opportunity to review the proposed project. Should you have any questions regarding this letter, please contact Mr. Chris Stahl at (850) 245-2169.

Yours sincerely,

Sally B. Mann

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/cjs
Enclosures

cc: John Outland, DEP, MS 45
Stacey Feken, DEP, MS 3560

Tim Gray, DEP, Southeast District
Mary Ann Poole, FWC
Forrest Watson, FDACS
Ray Scott, FDACS
Lisa Stone, FDOT
Marjorie Bixby, FDOT District VI

Project Information	
Project:	FL200802053982C
Comments Due:	03/08/2008
Letter Due:	03/17/2008
Description:	DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - SCOPING NOTICE - DRAFT ENVIRONMENTAL ASSESSMENT FOR THE TAMIAMI TRAIL MODIFICATIONS LIMITED REEVALUATION REPORT (TTM LRR), WATER DELIVERIES TO EVERGLADES NATIONAL PARK - MIAMI-DADE COUNTY, FLORIDA.
Keywords:	ACOE - TAMIAMI TRAIL MODIFICATIONS LIMITED REEVALUATION REPORT - MIAMI-DADE CO.
CFDA #:	99.997

Agency Comments:

SOUTH FL RPC - SOUTH FLORIDA REGIONAL PLANNING COUNCIL

The South Florida Regional Planning Council advises that the proposed project should be consistent with the goals and policies of Miami-Dade County's comprehensive plan and its corresponding land development regulations. Staff recommends that: impacts to natural systems be minimized to the greatest extent feasible, the extent of sensitive wildlife and vegetative communities be determined, and protection and or mitigation of disturbed habitat be required. This will assist in reducing cumulative impacts to native plants and animals, wetlands and deep-water habitat, and fisheries.

MIAMI-DADE -

AGRICULTURE - FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida Department of Agriculture and Consumer Services (FDACS) appreciates the opportunity to provide scoping comments on the Draft Environmental Assessment for the Tamiami Trail Modifications Limited Reevaluation Report (TTM LRR), Water Deliveries to Everglades National Park - Miami-Dade County, Florida. The potential for negative impacts on the Homestead agricultural community is our area of interest. FDACS is concerned that a rise in water elevations in Northeast Shark River Slough will result in the diversion of more seepage from the Park to south Miami-Dade County through the L-31N and C-111 canals unless this proposal includes a firm commitment to operate the S-356 pump station as recommended in the CSOP process. This diversion of unwanted seepage has been a significant problem for the last 20 years and the S-356 structure was authorized, designed and built specifically to address the problem. Unfortunately, the Corps has not been able to operate the pump, even though it was constructed years ago. In addition, the G-3273 constraint on operating S-333 must not be removed until all the permits needed to operate S-356 per the operational protocol proposed in the Combined Structural and Operational Plan (CSOP) are obtained and the Corps' Water Control Plan is updated to show the use of S-356. FDACS appreciates the opportunity to provide scoping comments on the Draft Environmental Assessment for the Tamiami Trail Modifications Limited Reevaluation Report (TTM LRR), Water Deliveries to Everglades National Park - Miami-Dade County, Florida. If you have questions regarding FDACS' comments, please contact Mr. Ray Scott at (850) 410-6714.

COMMUNITY AFFAIRS - FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

DCA has no comment.

FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission (FWC) notes that the current planning process is leaning strongly towards an alternative plan that would improve conveyance near the eastern end of the Tamiami Trail with the addition of a one-mile bridge, but no conveyance improvements are planned elsewhere along the 10.7-mile stretch of roadway. Serious consideration should be given to improving conveyance along other portions of the Trail as well. Based on recent modeling results and discussions with the SFWMD, staff recommends the use of strategically placed box culverts and downstream spreader swales to increase hydraulic and ecological connectivity. Though the FWC fully supports the ecological benefits expected from the proposed project and will continue to work closely with the Corps of Engineers through the project's implementation, staff requests that the concerns and recommendations contained in the enclosed FWC letter and previous letters conveyed over the past eight years be addressed.

STATE - FLORIDA DEPARTMENT OF STATE

No Comments Received

TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION
FDOT District VI is in receipt of the Corps of Engineers' scoping notice for the National Environmental Policy Act (NEPA) document, dated February 6, 2008, and offers the following comments: - The proposed document should state that the Corps will design, permit and construct all modifications to Tamiami Trail necessary to accommodate the selected water elevation in the L29 canal. - The NEPA document should cover both the impacts of the proposed bridge and the necessary work on the roadway to accommodate the selected water elevation in the L29 canal. - Since there will likely be one-way traffic during construction, traffic impacts should be addressed. - Since the Tamiami Trail is a National Register of Historic Places eligible resource, impacts to the roadway in that capacity should be addressed. FDOT remains committed to continuing its coordination with the Corps on this important project as the various components of the Modified Waters Delivery Plan are advanced.
ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
The DEP supported the USACE Tentatively Selected Plan (Alternative 14) presented in the 2005 GRR and has also been supportive in moving forward with maintenance/flow way equalization swales as part of the Tamiami Trail project. DEP staff suggests that the USACE consider including the pilot swale project within the TTM LRR, rather than evaluating the project under a separate NEPA document. Any differences between the eastern bridge that may be proposed in the LRR and the eastern bridge in Alternative 14 from the 2005 GRR should be clearly outlined in the draft Environmental Assessment. Staff also requests that the following items be included in both the draft Environmental Assessment and permit application: ¿ A summary of project benefits versus impacts. ¿ Discussion of potential impacts to water quality and water management during and following construction. ¿ Discussion of any proposed water quality or ecological monitoring. ¿ Discussion of any potential impacts to fish and wildlife resources in the water conservation areas or Everglades National Park, particularly listed species. The Modified Waters Delivery project, which includes the Tamiami Trail Modifications, is a foundation project that should be fully implemented prior to moving forward with Comprehensive Everglades Restoration Plan (CERP) projects in the region. It is critical to the restoration of the greater Everglades, as future CERP projects that will further restore flow to the Park cannot move forward prior to completion of the Modified Waters Deliveries project. Staff recommends that the USACE, South Florida Water Management District (SFWMD) and DEP continue to communicate and work cooperatively to facilitate the goal of initiating construction in October 2008. Please see the enclosed memoranda and contact Ms. Stacey Feken at (850) 245-8421 for further details and assistance.
SOUTH FLORIDA WMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Released Without Comment

For more information or to submit comments, please contact the Clearinghouse Office at:

3900 COMMONWEALTH BOULEVARD, M.S. 47
TALLAHASSEE, FLORIDA 32399-3000
TELEPHONE: (850) 245-2161
FAX: (850) 245-2190

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Memorandum

TO: Florida State Clearinghouse

THROUGH: Stacey Feken
South Florida Restoration Section

FROM: John Outland, Inger Hansen, and Annet Forkink

DATE: March 5, 2008

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers, Scoping Notice, Draft Environmental Assessment for the Tamiami Trail Modifications Limited Reevaluation Report, Water Deliveries to Everglades National Park, Miami-Dade County, Florida.

SAI #: FL08-3982C

The Florida Department of Environmental Protection (Department) has received the scoping letters for the above referenced project, dated January 28 and February 6, 2008, requesting assistance in gathering information that will help define issues and concerns to be addressed in the National Environmental Policy Act Document (NEPA) being prepared for the Tamiami Trail Modifications Limited Reevaluation Report (LRR). Department staff has actively participated in the plan formulation process and has provided extensive comments identifying issues and concerns for this project as part of review and development of the following documents:

1) Final 2005 General Reevaluation Report (GRR), and the associated second and third Environmental Impact Statements (EIS). We ask that you refer to our comments, dated September 19, 2005, December 29, 2005 and April 17, 2007, with regards to Department position on project issues and related regulatory requirements that remain applicable (comments attached);

2) Final GRR/SEIS for the Tamiami Trail Supplement to the 1992 Modified Water Deliveries to Everglades National Park (Department comments dated April 26, 2004);

3) Draft GRR Supplement to the 1992 Final EIS for Modified Water Deliveries to Everglades National Park (Department comments dated February 18, 2002).

Background: The Tamiami Trail Modifications Limited Reevaluation Report (TTM LRR) includes modifications to the Tamiami Trail. The project area takes place on a 10.7-mile section of the Tamiami Trail which runs parallel to the L-29 Canal (Tamiami Canal) between S-333 (near L-67 Extension) and S-334 (near L-30 and L-31N) and the downstream Northeast Shark River Slough of Everglades National Park (ENP) in Miami-Dade County. The purpose of this project is to increase flows into ENP and to help restore the ecosystem of the park. A total of 27 alternatives have been developed to examine the efforts of variations of water stage in the L-29 Canal together with several options for conveyance of water through the road from the L-29 Canal into the Park expansion area commonly referred to a Northeast Shark Slough. Stages considered ranged from 7.5 feet to 9.7 feet in the L-29 Canal. Conveyance options include

spreader swales, additional culverts, pump stations and various configurations of bridges. Alternatives will focus on raising the low areas of Tamiami Trail to a minimal roadway crown elevation to allow an 8.0-foot canal stage.

Comments: The Department supported the United States Army Corps of Engineers (USACE) Tentatively Selected Plan (Alternative 14) that was presented in the 2005 GRR providing for a two-mile bridge to the west and a one-mile bridge to the east in addition to raising the un-bridged portions of the existing highway. Compared to the previously recommended 3000-foot bridge that was part of the December 2003 GRR, the revised Alternative 14 significantly improved ecological benefits by providing greater connectivity and conveyance between the waters north of the Trail and the downstream wetlands and sloughs within the expansion portion of Everglades National Park. Department staff has also been supportive in moving forward with maintenance/flow way equalization swales as part of the Tamiami Trail project. If necessary, the USACE may want to consider including NEPA coverage of the pilot swale project within the TTM LRR, rather than evaluating the project under a separate EA/EIS.

It is our understanding, based on the permit pre-application meeting held January 25, 2008, in Tallahassee, that if the eastern bridge were proposed in the LRR, it would be minimally different from the eastern bridge in Alternative 14 from the 2005 GRR. Any differences should be clearly outlined in the draft Environmental Assessment. The meeting summary from this pre-application meeting is attached for your consideration in preparing the NEPA document. We would like to highlight the following items that should be included in both the draft Environmental Assessment and permit application:

1) A summary of project benefits versus impacts.
2) Discussion of potential impacts to water quality and water management during and following construction.
3) Discussion of any proposed water quality or ecological monitoring.
4) Discussion of any potential impacts to fish and wildlife resources in the water conservation areas or ENP, particularly listed species.

The Modified Waters Delivery project, which includes the Tamiami Trail Modifications, is a foundation project that should be fully implemented prior to moving forward with Comprehensive Everglades Restoration Plan (CERP) projects in the region. Moving this project forward is critical to the restoration of the greater Everglades, as future CERP projects that will further restore flow to the Park cannot move forward before the Modified Waters Deliveries project is complete. We recommend that the USACE, South Florida Water Management District and the Department continue to communicate and work cooperatively to facilitate the goal of initiating construction in October 2008. If you have any questions regarding these comments, please contact Stacey Feken at 850-245-8421.

Enclosures

Electronic copies to:	John Outland	Inger Hansen
	Stacey Feken	Tim Gray
	Ernie Marks	Annet Forkink
	Chad Kennedy	

Modified Water Deliveries
Tamiami Trail Water Quality Certification
Pre-Application Meeting

25 January 2008 | 10:00 a.m. – 2:00 pm

To: Attendees

From: Everglades Partners Joint Venture (EPJV)

Subject: Tamiami Trail Water Quality Certification Pre-Application Meeting

Attendees: Please see sign-in sheets.

Handouts: Agenda
Overview for Jan 25 meeting

The meeting was held at the Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL. Attendees included representatives from USACE, and the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT), Florida Fish and Wildlife Conservation Commission (FWC), U.S. Fish and Wildlife Service (FWS) and Everglades National Park (ENP). Several members also participated by phone. Debby Scerno, Everglades Partners Joint Venture (EPJV), supported the meeting.

Greg Knecht, FDEP, and Marie Burns, USACE, led the introductions and went over the purpose of meeting.

- Update on Modified Water Deliveries Tamiami Trail Modifications (TTM) project
- Update of agreements regarding above
- Determine what is required from the different agencies to complete the application
- Focus on the steps ahead

The goal is to start turning dirt (construction) in October 2008. The permit reviewers need sufficient time to review the information. Discussions today will center on the favorable alternative. The focus is on what needs to go into the application. USACE would like to get an application into the FDEP as soon as possible.

Eric Bush, USACE, stated that funds have been committed this fiscal year (~$56M) and there is an expectation of a groundbreaking in October 2008.

Joette Lorion, Miccosukee Tribe of Indians, expressed concerns that the USACE was predetermining NEPA. Barbara Cintron, USACE, stated that NEPA has not been concluded yet for the LRR. The purpose of the meeting today is to get ahead of the curve - if this was the approved plan what are the concerns. The USACE is putting together a "what if" scenario for the Eastern Bridge to investigate further funding. Joette Lorion asked what the bridge will cost and whether all the money needed to build it has been allocated.

Project Overview

Brice McKoy, USACE, presented an overview of the project including an overview of the whole Modified Water Deliveries to ENP project. Brice noted that the USACE has already spent a great amount of effort and money on the Record of Decision plan which is the 2-mile and 1-mile bridges. The expansion act called for the acquisition of lands by the DOI, however their analysis showed that the lands would not be available in time for the TTM project, so the USACE has also started a land analysis (an

EIS). Brice McKoy went over the reason for the current Limited Re-evaluation Report (LRR). At 30% design, the USACE typically updates costs. Because over 70% of the cost for the bridge/road is for material cost, and between 2004 and 2007 material costs more than doubled, this (and additional real estate cost) caused the cost to rise over the original amount [from $144 M to over $435 M (worst-case scenario)]. With the costs being this much higher, the USACE was asked to re-evaluate and recommend a less costly alternative. What has been seen thus far in the LRR investigations is that timing is very critical. At this point, they see less cost with Eastern bridge and fewer real estate concerns. Brice McKoy also noted that a stage of eight feet does occur under certain conditions currently, just not for the duration that it would be with some of the alternatives currently being considered.

Marie Burns, USACE, recorded the outstanding issues in regards to Modified Waters Delivery to ENP:

- **Sloughs – Will there be sloughs? How many?**
- **How much of the project is the Federal Government going to commit to?**
- **What is the current information on the project? What are the alternatives and their status?**
- **On those properties where HTRW issues were identified – what is the impact if the canal levels are raised to 8 feet and the properties are NOT cleaned up. Will there be inundation?**
- **What will the conveyance structures from 3B look like (the L-67s) and what does the water out of 3B look like at that time? The EDR is scheduled to begin as soon as the LRR is sent to Congress (June/July 2008) and will provide these answers.**
- **Operation Plan**
- **Put the rookery areas on the map with the project outline (either get new GIS files from Brad Foster, Gwen will be using xy's from Kevin Palmer) – to show that the approaches are not in the rookeries.**
- **During construction what culverts will be closed off and what is the affect to the water flow and water quality?**
- **Impacts (including secondary and cumulative wetland impacts) and Benefit Analysis**
- **Cultural Resources**
- **Final Footprint**

It is anticipated that using side construction methods, the construction of the bridge would take about 24 months.

The USACE anticipates assembling the Draft Limited Re-evaluation Report (LRR) for the Tamiami Trail Modifications in first week of February. The LRR will have to undergo Independent Technical Review (ITR) before it goes out to the public. External peer review will also be done (a requirement coordinated by the Ecosystem Restoration Planning Center of Expertise who identifies the panel members). The Center has requested the SFWMD and DOI identify members for the external peer review. **Joette Lorion, Miccosukee Tribe, requested that the Miccosukee Tribe also be requested to identify a member. This request will be passed along to the Center.**

There are minimal differences between the eastern bridge in Alternative 14 and the eastern bridge proposed in the LRR.

FDEP Overview

Ernie Marks, FDEP, went over some of the items the FDEP would need with the application. The number one concern for FDEP is the date by which the permit is needed. FDEP needs to have reviewed all information no later than 30 days before that date. **It was decided that a meeting should be held once a week (in addition to the weekly permit meeting) on the status and any open questions regarding the Tamiami Trail Modifications application. It was requested that each agency try to keep the meeting to one person per agency (send names to Debby Scerno, EPJV). An agenda should be sent out before each meeting.**

Ernie Marks, FDEP, outlined the four major categories for which assurances are sought. [These are not all inclusive requirements, as FDEP has rules by which they need to operate.]

1. The project component will achieve the design objectives set forth in the detailed design documents submitted as part of the application.
2. State water quality standards, including water quality criteria and moderating provisions, will be met. Under no circumstances shall the project component cause or contribute to violation of state water quality standards.
3. Discharges from the project component will not pose a serious danger to public health, safety, or welfare.
4. Any impacts to wetlands or threatened or endangered species resulting from implementation of the project component will be avoided, minimized, and mitigated, as appropriate. At the least, FDEP needs a time-line on the concurrences. At this point in time, the USACE owes the FWS some information. Tim Tolle, FWC, indicated that coordination is on-going. Barbara Cintron, USACE, stated that the USACE is asking all agencies to become NEPA cooperating agencies.

Other items that FDEP will need include:

- Coastal Zone Management review
- Sign-off from Department of State (State Historic Preservation Office - SHPO). The Memorandum of Agreement is being modified and should be sent to SHPO soon.
- Proof of real estate ownership – note that the FDEP can authorize construction in phases if some land agreements are not finished before the permit needs to be issued.

Inger Hansen, FDEP, indicated that the management of the water during construction is going to be critical since ENP is downstream of construction. They are especially interested on how and which culverts will be blocked and when. FDEP realizes that some items will not be able to be determined until the contractor is aboard. Thus once the contractor is on-board, an environmental protection plan needs to be sent to FDEP. The specifications should indicate such and indicate special concerns. Jim Riley, USACE, will be the USACE main point of contact for this application. Jim Riley asked the SFWMD for a copy of the environmental protection plan used for construction of S-12 D as he would like to use it as an example.

Ernie Marks, FDEP, discussed that this is more than one type of "Dewatering". There is the dewatering which involves removing rain water from a site (to surface water) which is usually covered by the permit for discharges from large and small construction. There is also the dewatering which involves removing groundwater and sending it to surface water, which is covered through an NPDES permit.

Ernie Marks, FDEP, also indicated that a summary of project benefits vs impacts (specifically for the bridge only – no raising of the water level in L-29) will be needed. Barbara Cintron, USACE, will be the point of contact for that information.

The USACE indicated that no blasting is anticipated.

Discussion on Concerns

Gwen Nelson, USACE, indicated that the current plan is for the plans and specifications to go from the 60% plans prepared for Alternative 14 (for which there is a signed Record of Decision) to the Final Submittal for whichever plan is approved through the LRR process. The next step would then be BCOE and from there to the corrected Final Plans and Specifications. The bridge portion of whichever plan is approved in the LRR would be the first phase with the road changes and modifications as phase II.

Ken Ammon, SFWMD, stated that the SFWMD is not fully comfortable with only building a 1-mile eastern bridge and road modifications to Tamiami Trail. Paul Linton, SFMWD, stated it is important to remember that the bridge itself does not necessarily allow a stage raise of 8 ft in L-29 canal. The current application will be for construction only and will NOT go into any operations.

Concerns were expressed over using an area near S-356 for staging. There is a boat ramp at S-356 which gives access to several agencies. **The USACE and its contractor will coordinate with the Miami Field office to ensure that staging at S-356 is done in a manner as to not disturb access. This will also be in the Specifications.**

Inger Hansen, FDEP, would like to see that the comments provided on the 60% plans for the Alt 14 be addressed as the plans are prepared for which ever alternative is approved in the LRR. The specific concerns are regarding the disposal of material and what will be spelled out in the specifications - would like to see the FDOT Specifications offered as an example. Note that FDOT has asked that the material be used in the efforts to upgrade the road.

Since this application will be for construction ONLY, operation of the stormwater system will need to be covered under a new application which may result in either a modification of the current permit or a new permit. **Need to confirm that the FDOT doesn't have to sign the application for the construction of the stormwater system – just the operation.**

Concerns/submeetings that need to occur:

- Meeting with FDOT concerning the stormwater system; relocation agreement; and right of way transfer;
- Meeting with FDOT concerning Plans and Specifications – specifically need the lawyers to help determine how to get the FDOT the updated plans without violating USACE contracting rules/regulations.
- Meeting with FDEP on what pieces of the Plans and Specifications they made comment upon and need to see revised versions of.
- Meeting to determine how FDOT should be included on the SHPO MOA (David Pugh, USACE, is the lead). They will likely be a concurring party.
- The EPA and FWC would like two weeks warning before the EA is released to the public.
- The Project Cooperation Agreement needs to be completed/negotiated
- Discussions need to be held on what will be constructed now, constructed later, and who is going to pay for it.

Questions that were answered:

- Has the requirement for signed and sealed plans been added to the task order? Yes.
- If the road is raised in the future, will the approaches take into account what the future road might look like? The task order to the consultant takes that into account. (EAC is the consultant)
- Did the USACE ever consider abandonment of the road (Ken Ammon, SFWMD)? No.
- Who is the replacement for Jon Moulding, USACE? For avian studies it is Paul Stadola, USACE. For MWD TTM, the environmental lead is Susan Conner, however, since she is out on leave Barbara Cintron is the current contact.
- Will the coordination act report be in the LRR (Tim Towles, FWC)? Yes.
- What will the alternative discussed today cost? The USACE has not completed the full cost estimate.

Questions to be answered:

- Did cultural resource assessments cover the 50 foot construction footprint, staging areas, the degrading of the road (south bank of canal)? Also note the road is 80 years old and the ENP is 60 years old.
- **Joette Lorion, Miccosukee Tribe of Indians, would like a copy of what was sent out today –** concerned that it is pre-decisional.

- Inger Hansen, FDEP, asked for the data collected by the Park (ENP) personnel on the field trip.

Discussion on Sloughs

The idea for the sloughs came about from the desire to maximize flows through the culverts over the portion of the road not being bridged (7 to 9 miles). Next came the idea of doing a few pilot sloughs to examine the shape/specifications of the sloughs and their effectiveness. If there are five or so possible areas for the sloughs, then may be able to go ahead with the application, however, FDEP will need to know all the information on all those areas. FDEP will also need the topography south of the areas. If the areas change minimally (say 10 foot change or less) it is not as big of a deal as major change (say a 1000 foot change in location). The ENP wants the entire NEPA process to be followed for the pilot sloughs, but does not object to preparing an application.

Timeline

Since FDEP needs to have reviewed and feel comfortable with all material NLT 30 days prior to need of permit, it was decided that the timeline for this permit needs to be determined as soon as possible. **Debby Scerno, EPJV, with help from Ernie Marks, FDEP, Eric Bush, Marie Burns, and Brice McKoy to determine the timeline for the permit application.**

Memorandum

TO: Florida State Clearinghouse

THROUGH: Greg Knecht, Administrator
Water Quality Standards & Special Projects Program

FROM: John Outland, Inger Hansen

DATE: April 17, 2007

SUBJECT: Central and Southern Florida Project, Draft Third Supplemental Environmental Impact Statement, Tamiami Trail Modifications, Modified Water Deliveries to Everglades National Park, Miami-Dade County

SAI#: FL07-3118C

The Department has reviewed the above-referenced Notice of intent and offers the following comments:

Background
This Supplemental Environmental Impact Statement involves the USACE securing real estate rights on seven privately owned properties along Tamiami Trail needed to implement the recommended plan to modify Tamiami Trail (one-mile Bridge at the eastern end of project and a two-mile bridge at the western end of the project) as part of the Modified Water Deliveries to Everglades National Park. The 2005 General Reevaluation Report assumed that the National Park Service (NPS) would acquire necessary real estate interest in the privately owned parcels before completion of the Tamiami trail project and before initiation of restoration of water flows directed south into Everglades National Park. However, because the NPS must complete its General Management Plan before it can proceed with real estate acquisition, it is unable to meet the schedule for Tamiami trail construction. In addition, the Corps will also be evaluating the real estate interest affected by induced flooding from higher water levels associated with implementation of the Modified Waters Deliveries project.

Comments

1. The Corps is pursing the necessary real estate right so that the recommended Tamiami Trail modifications can remain on schedule. However, there a are several unresolved issues including the temporary continuation of Air Boat businesses and the inclusion of project features that were not considered in the 2005 General Reevaluation Report.

   These additional features include the installation of the culvert maintenance/flow equalization swales, the possible acquisition of an additional five feet of right-of-way on the south side of Tamiami Trail to comply with FDOT safety requirements and a 40 foot-wide construction easement along the southern side of each of the bridges. These issues are unlikely to be resolved until appraisals have been completed to determine whether structural solutions would be more cost effective than real estate acquisition.

2. The Department supports the installation of the culvert maintenance/flow equalization swales. The construction of these swales should be prioritized to help advance the phased implementation of the MWD and the Comprehensive Structural Operation Plan (CSOP) to provide improved conveyance and flows to the eastern portion of the park and Shark River Slough while minimizing potential impacts to Subpopulation A of the Cape Sable Seaside Sparrow located further west. Final configuration and layout of these swales should be field verified prior to finalizing the construction plans so as to minimize impacts to environmental resources. Because of the maintenance swales the draft supplement notes that there may be additional right-of way requirements due to FDOT safety requirements.

3. The report states that the NPS has to complete its General Management Plan (GMP) prior to proceeding with real-estate acquisitions, and asserts that since the GMP is not scheduled for completion before 2009, that it is unable to meet the schedule for Tamiami Trail Construction. The planned completion of MWD and commencement of construction of Tamiami Trail by 2009 has been recognized as a planning critical date for many years now and it continues to be a concern to the Department that delays in acquiring restate interest may potentially further delay this very important project. Since the restoration of flows to the Park can not be initiated before the roadway construction is complete (estimated at year 2012) it may be possible to work out some of the downstream real estate needs concurrent with Tamiami Trail construction. It is also not clear why the GMP can not be expedited to answer some of the critical questions that remain outstanding such as the possibility of the three airboat tour businesses remaining operational. As a result, the Draft supplement does not determine exactly what real estate interest is required, and the associated cost and benefits of these interests cannot be evaluated.

4. Following the completion of the 2005 Revised General Re-evaluation Report, the Corps completed detailed land surveys, which determined that flooding impacts would occur to 7 privately owned parcels, and that, at a minimum, flowage easements would be required. None of the technical details of the survey or the level of flooding that would be experienced was included in the draft documents, and there is not sufficient detail provided to determine what level of demolition or cleanup is planned for the potentially flooded parcels. Pages 36 and 37 provide information about Hazardous, Toxic and Radioactive Waste associated with the business parcels. However, there is no discussion of how the potential flooding of the sites may affect the cleanup and the associated costs. These issues need to be closely coordinated with the Department's Waste Cleanup Section in the Southeast District Office in West Palm Beach.

cc: John Outland (cc)
Greg Knecht (cc)
Frank Nearhoof (cc)
Tim Gray (cc)
Chad Kennedy (cc)

Memorandum

TO: Florida State Clearinghouse

THROUGH: Greg Knecht

FROM: Inger Hansen, Temperince Morgan, and John Outland

DATE: December 29, 2005

SUBJECT: Jacksonville District Corps of Engineers and South Florida Water Management District, Final Revised General Reevaluation Report and Second Supplemental Environmental Impact Statement on Tamiami Trail as part of Modified Water Deliveries to Everglades National Park, Miami-Dade County, Florida

SAI # FL05-1704C (Reference SAI# FL05-1442C)

The Department of Environmental Protection has reviewed the above-referenced Final Revised General Reevaluation Report (RGRR) and Environmental Impact Statement (EIS) and offers the following comments:

Department staff provided extensive comments on this project in our letter dated September 19, 2005. We ask that you refer to these comments with regards to Department position on project issues and related regulatory requirements. The Department continues to fully support efforts to move the Tamiami Trail portion of the Modified Water Deliveries project forward. Alternative 14 consisting of the two-mile bridge on the west and the one-mile bridge on the east end, in addition to raising the un-bridged portions of the existing highway, is the best interim alternative to move forward without prejudging the possibility of a more permanent solution under the Comprehensive Everglades Restoration Plan (CERP). The Tentatively Selected Plan will provide early hydraulic conveyance capacity between the L-29 and Northeast Shark River Slough, enhancing ecological benefits to the ridge and slough systems. We understand that a longer bridge alternative could not be implemented at this time because it would greatly exceed the budget. In addition, completion of Modified Water Deliveries is essential for federal appropriations to construct several CERP restoration projects.

Due to the short duration of the comment period and unavailability of staff over the holidays, the Department has not yet had the opportunity to review the revised report in detail. However, it appears the significant improvements have been made to the document. We note that Appendix L includes responses to comments provided on the draft RGRR/EIS by agencies and stakeholders. It appears that the Corps has attempted to address all of our previous comments by providing clarifications and editorial changes to the text of the report, and has made suggested changes, particularly those related to storm water management concerns, to the final document. We note the following specific comments:

1) Comment 2- Section 5.8-Selection of the Recommended Plan has been expanded greatly and now provides a much more detailed explanation of the basis for selection of Alternative 14.
2) Comment 4- Concur that changes to the document were made, however these changes were in Section 7.4, not Section 5.8.
3) Comment 8- Concur that changes to the document were made, however these changes were in Section 7.65, not Section 7.20.
4) Comment 16- Response to comment indicates that text will be revised; however no changes to this section were noted.
5) Comment 23- Response to comment indicates that Appendix G has been revised; however no changes to this section were noted.

We look forward to working together further with the Corps and the SFWMD to ensure implementation of this important project.

cc: Inger Hansen (email)
Tim Gray (email)
Temperince Morgan (email)
John Outland (email)
Shelley Yaun (email)
Stacey Feken (email)

Memorandum

TO: Florida State Clearinghouse

THROUGH: Greg Knecht

FROM: Inger Hansen, Temperince Morgan, and John Outland

DATE: September 19, 2005

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers, Revised General Reevaluation Report and Second Supplemental Environmental Impact Statement on Tamiami Trail as part of Modified Water Deliveries to Everglades National Park, Miami-Dade County, Florida

SAI # FL05-1442C

The Department has reviewed the above-referenced General Reevaluation Report (GRR) and Environmental Impact Statement (EIS) and offers the following comments:

The Department has been involved in the project formulation and reevaluation process for this project. We have been actively involved in the recent reevaluation efforts by participating in the benefits analysis workshops that were carried out to help identify and further refine bridge alternatives. In addition, we have coordinated closely with the Corps of Engineers providing inputs to the planning process to help identify stormwater treatment requirements for the proposed roadway improvements.

As a result of these coordination efforts, we are familiar with the alternatives that were considered and the performance measures that were utilized to screen the alternatives. We concur that Alternative 14, Two-Mile Bridge West and One-Mile Bridge East, is the best overall alternative and support its selection as the Tentatively Selected Plan (TSP). Alternative 14 will restore more natural flows to both NE and NW Shark River Slough. It performed well during the evaluation in terms of ecological and hydrological benefits, Corps planning criteria, and avoidance of constraints. In addition it was determined to be cost effective. However, it should be noted that report and its selected plan is not intended to prejudge the results of a project implementation report for the CERP component to raise Tamiami Trail.

Background

The purpose of the Modified Water Deliveries Project (MWD) is to help restore flows to Everglades National Park. Specifically, the project will convey greater volumes of water into the L-29 Canal for the restoration of flows to Northeast Shark River Slough (NESRS). Modifications to Tamiami Trail are required to allow for these improved water deliveries. The reevaluation of the 2003 Revised GRR/SEIS was required to address concerns that predicted

higher water levels would damage Tamiami Trail and increasing cost of construction materials. The higher cost also required a reevaluation of cost and benefits. The revised GRR addresses not only the requirement to provide for improved conveyance and connectivity across the existing highway, but also addresses improvements required to protect the existing road base from the increased stages that will be realized when implementing operations for the MWD project.

General Comments

The Department fully supports the Corps Tentatively Selected Plan (Alternative 14) providing for a two-mile bridge to the west and a one-mile bridge to the east in addition to raising the un-bridged portions of the existing highway. Compared to the previously recommended 3000 feet bridge that was part of the December 2003 GRR, the revised Alternative 14 significantly improves ecological benefits by providing greater connectivity and conveyance between the waters north of the Trail and the downstream wetlands and sloughs within the expansion portion of Everglades National Park.

Having not only one westerly located bridge, but also an easterly located flow-way will be critical to prevent water high water stages in the South East portion of WCA-3B, as additional MWD features allowing for conveyance of water through this WCA are implemented. Although we recognize that additional ecological benefits may be realized by constructing a skyway across the entire 11.7-mile stretch, please be aware that we do not support further delays of this project to obtain the additional funding needed. Moving this project ahead is critical to the restoration of the greater Everglades, as future CERP projects that will further restore flow to the Park can not move forward before the MWD project is complete.

When evaluating localized impacts, we note that the re-evaluation effort has led to additional environmental improvements beyond the regional ecological lift. Alternative 14 has reduced the direct impact to wetlands as compared to the previously selected plan. In addition, the Corps plan will mitigate potential water quality impacts by providing for a pollution abatement system to provide stormwater treatment for the bridge runoff to protect adjacent waters. The previously selected plan did not include stormwater treatment. The Department will continue to participate in the development and optimization of the treatment system for the bridges during the PED phase of the project.

However, based upon reviewing the Draft RGRR report and in consideration of information and comments provided during the recent Public Workshop for the Draft RGRR, it has become clear that the Draft report should be revised to more effectively communicate the details of the TSP. It should specify the reasons why merely clearing out the existing culverts is not acceptable, and most importantly clearly state the reasons for selecting Alternative 14 and associated recommendations. Inconsistencies and information carried over from previous Tamiami GRR reports, unrelated to the alternatives considered in the most recent plan formulation evaluation, should be eliminated from the report. Additional detail should be provided to better assess wetland impacts, ownership, and right of way issues.

<u>Permitting</u>

The recommended plan involves modifications to an existing surface water management system, and includes dredging and filling in wetlands and other surface waters; activities regulated by the

Department under Chapters 373 and 403, Florida Statutes. Tamiami Trail road improvements, which include paving, grading and construction of a stormwater system, are proposed as part of bridging and raising the existing roadway. These road improvements will allow for modification to the existing conveyance system that directs water from the L-29 canal to Everglades National Park. The recommended plan calls for SFWMD, as the local sponsor, to be responsible for operation, repair and maintenance of the resulting conveyance system. However, the plan does not identify what entity will be responsible for the maintenance of the road and associated stormwater system. The report should provide clarification on this matter
On September 5, 2005 the Department issued a Comprehensive Everglades Restoration Plan Regulation Act (CERPRA) permit to allow construction of the 8.5 Square Mile Area project phase of the MWD Project. This permit recognized all the MWD components, including the Tamiami Trail Modifications, but only allowed for commencement of construction of the 8.5 Square Mile Area works as part of the phased construction of the larger project. A major modification to the CERPRA permit is required prior to proceeding with construction of the Tamiami Trail Phase of the MWD project. Not only construction, but also operation and maintenance of the conveyance system will be part of this permit.

Stormwater or surface water management is regulated by the State of Florida under Part IV of Chapter 373, Florida Statutes. Our understanding is that the Corps will be responsible for the construction associated with the roadway improvements, and then the FDOT will take on the maintenance and operation of the roadway and associated surface water management system. If this is the case, then it may be appropriate to authorize these activities through a separate ERP permit with FDOT. Once division of operation and maintenance responsibilities for the various aspects of the project are clarified, the Corps should contact the Department to set up a pre-application meeting to resolve permitting specifics.

Ownership and right-of-way issues
The plan should provide a clear description of proposed right-of-ways and how the ownership issues will be resolved. A map should be provided showing all parcels (property owners) that will be impacted. The report also should explain how these impacts will be addressed. The current plan calls for moving portions of the existing roadway into Everglades National Park, however provides little or no details on how this will occur. Details such as how the loss of land (notably wetlands) within the park boundary will be handled have not been adequately addressed.

Specific details about the flowage easement should be provided to ensure that adequate operation and maintenance of the system can be provided. Observation of the accumulation of sediments within and downstream of the existing culverts for the conveyance system that is currently in place, clearly speaks to this issue. The existing culverts are partially clogged, with additional sediment buildup just downstream of each culvert forming small islands that are covered with woody vegetation (a mixture of native species and Brazilian pepper). There is a clear need to maintain the existing system to provide for better flow distribution to the park, yet the plan does not specifically address this issue.

In fact, the plan dismisses the need to maintain/clear out the existing flow ways based upon an FDOT statement that they found that the exotic vegetation south of the Trail does not impede

flow through the culverts (pages 50 and 51). Selective clearing to minimize impacts to natives to include removal of some of the accumulated sediments downstream of these culverts should be part of the scope of this project. Effectively conveying water around the downstream islands can perhaps be best achieved by incorporating a slightly deeper distribution ditch or spreader swales at the terminus of each culvert.

Wetland impacts and disturbance to natural areas within the park

The report does not provide specifics about proposed wetland impacts, other than providing a number of different and inconsistent estimates for acreage of wetland impacts. As previously discussed in teleconferences, details regarding wetlands loss should be provided. Our understanding was that an existing WRAP survey would be used as basis of evaluating the impacts. Avoidance and minimization should part of the analysis. In addition, there should be a discussion of how temporal and permanent wetland loss will be addressed.

The plan states that the removal of exotic vegetation on the southern side of the Trail would be necessary for the modifications and reconstruction associated with all alternatives (page 95). The benefits of removing the exotics are justified based on improved aesthetics, but notably, environmental factors are not considered. We note that on page 50, as part of evaluating preliminary alternatives, clearing exotic vegetation south of the trail was dismissed because the removal and associated land disturbance could result in further spread of the exotics into the park.

The Department supports clearing of the exotics along the trail, but note that the clearing work will have to be done with care to minimize the spread of seeds into the park. In addition an aggressive maintenance plan should be developed to ensure that exotics do not re-colonize areas that have been disturbed. A conceptual level of detail pertaining to exotic removal and control should be included in the Draft Report to ensure that the project does not contribute to migration of exotic species into the park (to ensure compliance with Executive Order 13112).

Water Quality (Section 2.3, Section 5.6.3 and Section 7.4 of the report)

As mentioned previously, the Department has coordinated closely with the Corps to help identify stormwater treatment requirements. We have provided written guidance and recommendations on how the Corps should move forward in finalizing the project design. Our written recommendations were included in section 5.6.3 of the report and are briefly summarized below.

The State's stormwater regulations require that runoff from impervious surface areas be discharged through retention areas, detention devices, filtering and cleaning devices, or subject to some other type of Best Management Practices, prior to discharge from the site. For the proposed project, the Department has determined that stormwater treatment is required to provide a level of treatment commensurate with what is provided by the existing conditions.

The proposed bridging will increase the total impervious surface area, but has no practicable means of providing grassed shoulders or traditional swales for treatment of stormwater, without causing further impacts to wetlands. Implementation of Best Management Practices (BMPs) such as incorporating pollution abatement devices into the stormwater system for the bridges to

collect and trap sediments and floatables (oil and grease) from polluted stormwater runoff (treatment of first flush) is necessary prior to discharge. That portion of the improved roadway which does not add additional impervious surface areas will only be required to provide grassed shoulders similar to the existing design.

The Department recommends that the Corps contractor responsible for the stormwater system design, consult with the Department, FDOT and the SFWMD during the design phase to ensure that the treatment system is effective in terms of cost, treatment, and operation and maintenance and meets the expectations of all parties involved.

Water quality issues are discussed in a number of other places throughout the report, including in Section 2.3, which refers to a 1999 USGS study reporting water quality along the Tamiami Trail. Further discussions are provided in this section about how stormwater runoff from Tamiami Trail must be "inferred". The section concludes that pollution from the runoff is minimal based upon a count of 5,200 vehicles per month based upon some 1990 study by Discoll et. al. The Department believes that much of the information presented in Section 2.3 is out of date, inaccurate, and misleading. We recommend moving some of the text presented in section 5.6.3 to Section 2.3 or rewriting section 2.3 to be consistent with the State's stormwater requirements.

Section 7.4 deals with water quality issues for the tentatively selected plan. Again, this section is written without any reference to the inclusion of pollution abatement system as part of the plan. It should be noted that since the receiving waters for this project include Everglades National Park, an Outstanding Florida Water (OFW), existing ambient water quality can not be lowered (e.g., turbidity), except on a temporary basis during construction, within a restricted mixing zone approved by the Department. Suitable management practices and technologies approved by the Department must be utilized to minimize degradation of water quality.

Manatees

Section 7.6.6 of the report concludes that the project would not adversely affect manatees because no work is being implemented within the L-29. Since there will be works in waters that are directly connected to the L-29 canal as part of removing the existing road to create bridged flow ways, the Corps should address protection of manatees as part of their plan. As part of protecting water quality, turbidity curtains will likely have to be deployed in the L-29 canal, which may impact the migration of manatees if not installed properly. Additionally, the plan should be specific about the need for blasting as this may impact protected species.

Section 8.0

The recommendation section is confusing and does not clearly or accurately describe the TSP. In fact, the second paragraph implies that features will be provided to convey additional flows from WCA 3B south. The need to raise the road is not discussed in the recommendations, nor is there a mention of the stormwater treatment system and the need to optimize the design.

Section 10.0

Based upon the title of this chapter, we would expect the Corps to give credit to the actively participating agencies and recognize all team members.

Specific comments on the draft document are provided below.

Section 5.6.3, pg 82, 2nd paragraph, delete following sentence "The system will be designed to meet FDEP requirements providing treatment for first flush."

Section 5.6.3, pg 82, 4th paragraph, after last sentence add "Coordination with FDEP will occur during PED to ensure that the final stormwater system design is consistent with FDEP requirements."

Section 5.6.3, pg 82, last paragraph, delete entire paragraph and revise to read "Because there is an existing WQC/permit for portions of the MWD project, the USACE would be seeking a modification to the existing permit. A modification application will be submitted when an appropriate level of detail exists regarding project design and environmental impacts."

Section 6.3 Drainage- Revise to be more consistent with Section 5.6.3; Also, it is our understanding that an analysis was conducted to evaluate differences in seepage rates resulting from the various alternatives in an effort to determine potential impacts to agricultural and urban interests to the east and south of the project area. Please include a discussion of this analysis in this report.

Section 6.7 Operations and Maintenance- This section does not indicate what entity will be responsible for maintenance of the stormwater treatment system.

Section 7.6.2- please clarify "flow would be distributed through a conveyance channel of up to four miles wide." Shouldn't this be revised to be consistent with TSP of two mile and one mile bridges?

Appendix G, G-4, revise last sentence to read "Full compliance with State regulations is anticipated."

Appendix I, 2.6.2 Mixing Zone Determination- please revise to be consistent with aforementioned comment re: OFWs and temporary mixing zones during construction

Conclusion

In general, and after consideration of the lack of funds to implement the most environmentally acceptable plan, the selected plan appears to the best interim solution to restore natural flows to Northeast Shark River Slough by improved conveyance of water from the L-29 canal into Everglades National Park. This enhanced connection will provide improved hydraulic connectivity to NESRS, benefit ridge and slough habitat restoration and allow for improved fish and wildlife movement. The completion of MWD will also allow federal funds to be appropriated for other CERP components including the CERP WCA 3 Decompartmentalization project. This project may include further conveyance enhancements such as the removal of the L-29 canal and levee and elevating more of Tamiami Trail.

Project issues which will require additional coordination with the Department as the project proceeds include: design of the stormwater treatment system, construction schedule and techniques, erosion and turbidity control measures, and application for permit modification. It is our understanding that the stormwater treatment system will be evaluated during the PED phase of the project and that the Corps will coordinate with the Department as necessary to ensure that State requirements are met.

cc: Inger Hansen (email)
Tim Gray (email)
Kim Shugar (email)
Temperince Morgan (email)
John Outland (email)
Stacey Feken (email)

From: Towles, Tim [mailto:tim.towles@MyFWC.com]
Sent: Thursday, March 27, 2008 3:29 PM
To: Riley, James M SAJ
Cc: Conner, Susan L SAJ; Cintron, Barbara B SAJ; Regan, Tim
Subject: RE: MWD WQC permit application meeting today at 1PM

Jim,

Please find a copy of our scoping letter attached. We asked that the COE address all of our previous concerns and recommendations from our previous correspondence that remain relevant to the current LRR project proposal.

These recommendations include conducting appropriate surveys to detect the presence of the state-threatened Everglades mink, active rookeries of state-listed wading bird species, and active nests of snail kites that could be affected by construction-related activity associated with the project, so that potential impacts can be avoided. We also had made a request that the COE consider including a wildlife crossing shelf at the end of the bridge, which would best be placed at the east end of the current proposed eastern 1-mile bridge.

As I mentioned, Everglades mink are secretive animals that are more difficult to survey than avian species. One of the most promising methods would likely be camera trapping which requires some time to set up and monitor. There is a biologist that is currently using this technique in an attempt to census Everglades mink in the Fakahatchee Strand. He would be a good person to contact for doing survey work for the COE on the Tamiami Trail.

Please feel free to contact me if you have any further questions.

Tim Towles
(772)778-6354

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